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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FORTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the Fourth Session of the Fourth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE THIRTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO.

1883



212052
9.5.27

HIS HONOUR
THE HONOURABLE JOHN BEVERLEY ROBINSON,
LIEUTENANT-GOVERNOR.

Toronto:
PRINTED BY JOHN NOTMAN,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
1883.



PRINTED BY
C. B. ROBINSON,
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BOUND BY
W. WARWICK,
WELLINGTON ST., TORONTO.

ANNO QUADRAGESIMO SEXTO.

VICTORIÆ REGINÆ.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-three and for other purposes therein mentioned.

[*Assented to* 1*st February*, 1883.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by Messages from His Honour the Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-three; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$2,707,652.07 granted out of the Consolidated Revenue Fund for certain purposes.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of two million seven hundred and seven thousand six hundred and fifty-two dollars and seven cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-three, as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-four, as set forth in Schedule B to this Act.

2.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money, under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-three, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day, and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-three, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House	$6,115 00	
Lieutenant-Governor's Office	3,980 00	
Executive Council and Attorney-General's Office	15,370 00	
Education Department	19,846 26	
Crown Lands Department	46,900 00	
Department of Public Works	19,490 00	
Treasury Department	18,960 00	
Department of Agriculture	1,400 00	
Inspection of Public Institutions	8,200 00	
Secretary and Registrar's Office	27,075 00	
Department of Immigration	1,600 00	
Miscellaneous	22,200 00	
		$191,136 26

LEGISLATION.

To defray expenses for Legislation $108,000 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	$54,314 00	
Criminal Justice	134,000 00	
Miscellaneous Justice	93,600 00	
Surrogate Judges	15,487 34	
		$297,401 34

EDUCATION.

EDUCATION.

To defray expenses of :—

Public and Separate Schools	$240,000 00	
Inspection of Public and Separate Schools	32,121 52	
Schools in New and Poor Townships	18,000 00	
Collegiate Institutes and High Schools	84,500 00	
Inspection of Collegiate and High Schools	5,724 38	
Departmental Examinations	10,455 92	
Training of Public School Teachers	11,716 46	
Superannuated High and Public School Teachers	51,500 00	
Normal and Model Schools, Toronto	23,425 00	
Normal School, Ottawa	20,990 00	
Educational Depository	7,250 00	
Miscellaneous Expenses of Education	6,500 00	
		$512,183 28

PUBLIC INSTITUTIONS—MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	$91,585 00	
Asylum for the Insane, London	115,836 00	
Asylum for the Insane, Kingston	58,788 00	
Asylum for the Insane, Hamilton	68,641 00	
Asylum for the Insane, Orillia	28,269 00	
Provincial Reformatory, Penetanguishene	36,860 00	
Central Prison, Toronto	72,740 00	
Institution for the Deaf and Dumb, Belleville	38,871 00	
Institution for the Blind, Brantford	32,879 00	
School of Agriculture, Guelph	27,348 00	
School of Practical Science, Toronto	5,825 00	
Mercer Reformatory for Females, Toronto	29,242 00	
		$606,884 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration $39,950 00

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of :—

Agriculture	$93,850 00	
Arts	29,905 46	
Literary and Scientific	1,350 00	
		$125,105 46

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities $81,500 53

MISCELLANEOUS

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure as follows:—

License Law	$2,000 00	
Collection of revenue for law stamps and licenses	1,500 00	
Marriage Licenses	400 00	
Ontario Rifle Association	1,000 00	
Insurance of Public Buildings and Furniture	3,600 00	
Expenses of Elections	60,000 00	
Expenses of Contested Elections	1,000 00	
Revision Voters' Lists	1,000 00	
Gratuities	5,000 00	
Telephone Service	1,050 00	
Expenses taking Insane People to Asylums and Boys and Females to Reformatories	6,000 00	
For expenses *re* Boundary award	10,000 00	
Advance to Andrew Mercer, jr.	1,500 00	
Expenses *re* Gilchrist Scholarship	150 00	
Grant to Township of Morrison, and united Townships of Matchedash and North Orillia in *re* drainage Government lands	1,000 00	
Expenses in *re* Commission as to Bruce Registrarship	1,500 00	
Repairs to Brock's Monument	500 00	
Prisoners' Aid Society	1,000 00	
		$98,200 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	$1,500 00
" " " London	11,382 00
" " " Hamilton	35,640 00
" " " Kingston	35,215 00
" " Idiots, Orillia	1,180 00
Reformatory, Penetanguishene	6,200 00
Reformatory for Females, Toronto	2,521 67
Central Prison, Toronto	3,835 00
Deaf and Dumb Institute, Belleville	9,266 00
Blind Institute, Brantford	12,373 00
School of Agriculture, Guelph	13,271 00
Normal School and Education Office, Toronto	3,006 00
Normal School, Ottawa	1,700 00
School of Practical Science, Toronto	3,900 00
Osgoode Hall, Toronto	15,210 59
Government House, Toronto	4,500 00
District of Algoma	400 00
Thunder Bay District	400 00
Nipissing District	200 00
Parry Sound District	300 00
Muskoka District	4,000 00

Disputed

Disputed Territory	$3,000 00	
Unorganized Territory	3,422 00	
Miscellaneous	5,000 00	
For establishment of three Creameries	10,500 00	
		$187,922 26

PUBLIC WORKS.

To defray expenses of Public Works	$63,786 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs	$123,500 00

CROWN LANDS EXPENDITURE.

To defray expenses on account of Crown Lands	$81,000 00

REFUNDS.

To defray the expenses of Refund Accounts	$39,582 43

UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses	$50,000 00
To cover sundry unforeseen expenses of 1882	$71,500 51
Total Estimate for 1883	$2,677,652 07

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-four, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1884	$30,000 00
Total	$2,707,652 07

CHAPTER

CHAPTER 2.

An Act to make further provision respecting Elections to the Legislative Assembly.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Election Amendment Act, 1883."

R. S. O. c. 10, s. 11, amended.

2. Section eleven of *The Election Act* is amended by adding thereto the following sub-sections:

(3) Any alteration of existing polling sub-divisions, or creation of new polling sub-divisions, shall be made before the publication of the voters' lists.

(4) For the purpose of enabling the council to make the required alterations, the clerk of the municipality, as soon as he finds that the number of qualified voters in any sub-division exceeds two hundred, shall call the attention of the council to the fact.

(5) In case, through oversight or from any other cause, such alterations have not been made prior to the publication of the lists, the alteration in the polling sub-divisions shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being made out, and shall not affect the voting on or with respect to any previous voters' lists.

(6) It shall not be necessary for a Returning Officer to re-divide a polling sub-division, on account of the same containing more than two hundred voters, so long as it does not contain more than three hundred; but if it contains more than three hundred, he shall divide it into two sub-divisions.

(7) Nothing in this section contained shall be held to relieve the council of any municipality from the duty of making a new division of the voters into polling sub-divisions, or re-dividing a sub-division as often as the number of qualified voters in any polling sub-division exceeds two hundred.

R. S. O. c. 10, s. 19, amended.

3. The following is added to section nineteen of *The Election Act*, as sub-section two thereof;

Returning Officer, where office of Sheriff or Registrar is vacant.

(2) Where any Sheriff or Registrar has died or has been removed from or has resigned his office of Sheriff or Registrar, and his successor has not been appointed, the writ of election which might otherwise have been addressed to such Sheriff or

or Registrar, shall be addressed to such other person as the Lieutenant-Governor may appoint to be Returning Officer.

4. Section eighty-seven of *The Election Act* is hereby amended, by adding thereto the following as sub-sections three, four, five, six, seven, eight and nine : R. S. O. c. 10, s. 87, amended.

(3) This section shall not apply to any municipality or territory for which there are no voters' lists or supplementary voters' lists, and no such certificate shall be issued to any person in respect of a claim to be a voter in any such municipality or territory. Application of s. 87, limited.

(4) No Returning Officer shall, under a penalty of four hundred dollars, give to more than two agents of the same candidate at any one polling place, a certificate under this section; and every such certificate shall name the polling place at which the agent is to be permitted to vote and the candidate for whom he is agent; nor shall any Returning Officer issue any certificate under this section except upon the personal or written request of the elector; and no such certificate shall be signed by the Returning Officer until the name and qualification of the person to whom it is to be granted have been inserted therein. Certificates to agents of candidates.

(5) No person who receives a certificate under this section whether as Deputy Returning Officer, poll clerk or agent, shall thereafter either at the polling place named in the certificate, or at any other polling place, vote at the election, until he has taken at the polling place where he proposes to vote, one or other of the oaths of qualification prescribed to be taken by voters, and any person violating the provisions of this sub-section shall be subject to a penalty of four hundred dollars; and every vote cast in contravention of this sub-section shall be null and void. Person receiving a certificate to take oath of qualification before voting.

(6) Such oath of the Deputy Returning Officer shall be taken before the poll clerk, and the oath of a poll clerk or agent shall be taken before the Deputy Returning Officer, as in the case of other voters. Before whom oath to be taken.

(7) Every Returning Officer shall, before delivering such certificate, enter in a list (to be kept by him for a year after the election) the name and qualification of every person to whom he gives a certificate under this section, the polling place at which such person is, under the certificate, authorized to vote, and stating whether the certificate is granted to such person as Deputy Returning Officer, poll clerk or agent; and if as agent, the name of the candidate for whom such person is agent; the Returning Officer shall also in such list enter the name of every person applying for such a certificate to whom it is refused, with the ground of such refusal, and if such last-mentioned person claimed to be the agent of a candidate, the name of such candidate. Returning officer to make a list of persons obtaining certificates.

Entry on list of persons voting under authority of a certificate.

(8) The Deputy Returning Officer shall enter, or cause to be entered, upon a list to be headed, "Outside Voters' List," the name, place of residence and occupation, of every person (including himself if he so votes) voting under the authority of a certificate given under this section; and also, a short description of the property or other qualification in respect of which such person claims to vote. The Deputy Returning Officer shall also shew upon the list what form of oath was administered to such person in the following manner, namely, by entering in the said list opposite the name of such person, "Sworn, Form 18," or otherwise as the case may require.

Certificate to be delivered to Deputy Returning Officer by person voting.

(9) Every person proposing to vote by virtue of a certificate aforesaid, shall with his ballot paper deliver up to the Deputy Returning Officer such certificate, and the Deputy Returning Officer shall, at the close of the poll, enclose all such certificates received by him, and also the said "Outside Voters' List," in package (*h*) mentioned in section 109 of this Act.

R. S. O. c. 10, s. 91, sub-s. 2, amended by 42 V. c. 4, s. 17, repealed.

5. The following is substituted for sub-section two of section 91 of *The Election Act*, as amended by the 17th section of the Act passed in the 42nd year of Her Majesty's reign, chaptered four:

Voter may select form of oath in certain cases.

(2) Any person whose name is entered upon the said list of voters as owner, tenant, or occupant of real estate, or as a farmer's son, and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself for that purpose either of the said forms numbered 18 and 20 in said Schedule A, whatever may be the description in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll.

Oath of income voter.

(3) Where the person claims to be entitled to vote in respect of income and the taxes relating thereto are not payable by instalments, the oath or affirmation to be taken shall be according to Form 19 in said Schedule A.

Oath of person voting on a supplementary voters' list.

(4) Where the person claims to be entitled to vote in respect of a supplementary voters' list in any of the cases mentioned in sections 75 and 77 of this Act, the oath or affirmation to be taken shall be according to Form 21 in said Schedule A.

Forms of oath.

6. The forms appended to this Act numbered 18, 19, 19 A, 20, 21 and 22, are repectively substituted for the forms numbered 18, 19, 20, 21 and 22 in Schedule A, to *The Election Act* as amended by the Act passed in the forty-second year of Her Majesty's reign, entitled *An Act to make further provision respecting elections of members of the Legislative Assembly*, and for form numbered 19 A, appended to the said last mentioned Act, as the forms of oaths or affirmations to be taken by voters.

7. A person shall not be ineligible or disqualified to sit and vote as a member of the Legislative Assembly by reason of his holding the office of coroner. Coroners not ineligible as members of the Legislative Assembly.

8. A person shall not be incapable of being elected a member of the Legislative Assembly by reason of his being a surety for a sheriff, registrar, county attorney, clerk or bailiff of a division court, or other public officer, or by reason of his being a surety or contractor for the payment of the maintenance of a patient at a public asylum for the insane, unless such person is otherwise disqualified. Sureties of Sheriffs, etc., not ineligible as members of the Legislative Assembly.

(2) But any person who is elected a member of the Legislative Assembly, being at the time of his election such surety as aforesaid, shall, before he sits or votes in the Legislative Assembly, take and complete such action as may be requisite to relieve him from any thereafter accruing liability in respect of his suretyship, and no person who is liable as such surety in respect of any accruing matter shall sit or vote in the Legislative Assembly.

9. The provisions of the preceding section shall not be regarded as a legislative declaration that the persons in said section described, or any of them, come within the disqualification of the said section. Preceding section not a declaration of disqualification.

10. Section four of *The Election Act* is hereby amended by adding after the words "all postmasters in cities and towns," the words "all stipendiary magistrates." R. S. O. c. 10, s. 4, amended.

11. So much of the fifty-fifth section of *The Controverted Election Act of Ontario* as requires the judge or judges trying an election petition under the said Act to append to the certificate of the determination of the trial a copy of his or their notes of the evidence is hereby repealed. Judges not required to add copy of notes of evidence to certificate.

12. Sub-section two of section 105 of *The Election Act* as amended by section 18 of the Act passed in the forty-second year of Her Majesty's reign, and chaptered four, is hereby repealed, and the following is substituted therefor: R. S. O. c. 10, s. 105, sub-s. 2, as amended by 42 V. c. 4, s. 18, repealed.

(2) Any ballot paper which has not been supplied by the Deputy Returning Officer, or on which votes are given to more candidates than are to be elected, or on which anything in addition to the printed number and the initials or name of the Deputy Returning Officer on the back is written or marked, by which the voter can be identified, shall be void and shall not be counted; but no word or mark written or made, or omitted to be written or made, by the Deputy Returning Officer, on a ballot paper, shall avoid the same. Ballot papers which are not to be counted.

13. Section 196 of *The Election Act* is hereby repealed, and the following substituted therefor: R. S. O. c. 10, s. 196, repealed.

196.

Non-juridical days.

196. In reckoning any period of time limited by any section of this Act, except section 27, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving, shall be excluded; and where anything is required by any section of this Act to be done on a day which falls on any of such days, such thing may be done on the next juridical day.

SCHEDULE.

FORM 18.

(Referred to in Section 91.)

FORM OF OATH OF PERSON VOTING AS OWNER, TENANT OR OCCUPANT, OF REAL ESTATE.

You *swear* (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you. (2)

That on the (3) day of one thousand eight hundred and you were *and still are* (4) actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right, or in the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election; (4)

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election:

So help you God.

---

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

(4) If the voter has ceased to be owner, tenant or occupant of the property, the words "*and still are*" should be omitted, but in that case there MUST be added at the end of this clause of the oath the following: "*and that you are still a resident of this electoral district.*"

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the municipality of* ," naming the municipality mentioned in the certificate.

FORM

FORM 19.

(Referred to in Section 91.)

ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME.

You *swear* (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you ; (2)

That on the (3) day of one thousand eight hundred and you were, and thenceforward have been continuously and still are a resident of this municipality ;

That at the said date, and for twelve months previously, you were in receipt of an income from your trade, office, calling or profession, of a sum not less than four hundred dollars ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election ;

And that you have (4) *prior to the thirty-first of December last past*, duly paid all municipal taxes whatsoever assessed or rated against you in respect of the income, for and by reason of which you are rated and entered on the assessment roll, upon which the voters' list used at this election is based :

So help you God.

---

(1) If the voter is a person who may by law affirm then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality, to be the DATE OF THE FINAL REVISION and correction of the assessment roll, upon which the voters' list used at the election is based for the municipality.

(4) If the voters' list being used is based on the assessment roll for the same year as that in which the election is being held, and the voter has paid his taxes, then substitute these words : "*before the date of the writ under which the election is being held ;*"

or

If the voters' list being used is based upon the assessment roll for the same year as that in which the election is held, but the collector's roll for the same year has not been in the collector's hands for at least one month before the date of the writ of election, and the voter has not paid the municipal taxes, then omit all this paragraph, and substitute therefor the following : "*And that the collector's roll, based on the assessment roll upon which the voters' list used at this election is based, has not been in the hands of the collectors for one month before the date of the writ under which this election is being held.*"

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under Sec. 87 for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of* " naming the municipality mentioned in the certificate.

FORM 19 A.

(Referred to in 42 Vic. cap. 4, sec. 14.)

FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME WHERE THE TAXES RELATING THERETO WERE MADE PAYABLE BY INSTALMENTS.

You *swear* (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you. (2)

That on the (3) day of one thousand eight hundred and you were and thenceforward have been continuously, and still are, a resident of this municipality ;

That at the said date, and for twelve months previously you were in receipt of an income from your trade, office, calling, or profession of a sum of not less than four hundred dollars ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election ;

And that you have duly paid every instalment of taxes whatsoever assessed or rated against you, which under the original by-law making the taxes for the said municipality for the present year, payable by instalments, and a copy of which by-law is now exhibited to you, had prior to the writ of election become due in respect of the income for or by reason of which you are rated and entered upon the assessment roll upon which the voters' list used at this election is based :

So help you God.

---

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the Clerk of the Municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll, upon which the voters' list used at the election is based for the municipality.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk, or agent VOTING UPON A CERTIFICATE issued under sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the municipality of* ," naming the municipality mentioned in the certificate.

FORM 20.

(Referred to in Section 91.)

FORM OF OATH FOR A FARMER'S SON.

You *swear* (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you. (2)

That

That on the (3) day of one thousand, eight hundred and *A. B.* (4) was as you verily believe actually, truly, and in good faith possessed to *his* (5) own use and benefit as owner of the real estate in respect of which your name is so as aforesaid entered on the said voters' list.

That you are a son (6) of the said *A. B.* (4)

That you resided on the said property for the twelve months next before the return by the Assessor of the assessment roll, on which the voters' list used at this election is based, not having been absent during that period, except temporarily, and not more than four months in all.

That you are still a resident of this Electoral District, and are entitled to vote at this election.

That you are of the full age of twenty-one years.

That you are a subject of Her Majesty either by birth or by naturalization.

That you have not voted before at this election, either at this or any other polling place.

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election :

So help you God.

---

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy-Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based ;

(4) The name of the voter's father, or stepfather, or mother should be inserted here.

(5) If the name of the voter's mother is inserted, then for "*his*" substitute "*her.*"

(6) If the voter is voting as a "stepson," then for the word "son" substitute the word "stepson."

NOTE.—In the oath administered to a Deputy-Returning Officer, poll clerk, or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the Municipality of* ," naming the municipality mentioned in the certificate.

FORM 21.

(*Referred to in Section 91.*)

FORM OF OATH TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS, MADE WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

You *swear* (1) that you are the person named or purporting to be named by the name of on the supplementary list of voters now shewn unto you. (2)

That on the (3) day of one thousand eight hundred and you were *and still are* (4) actually, truly and in good faith possessed to your own use and benefit as owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is entered on the said supplementary list of voters, and are as such entitled to vote at this election. (4)

That you are of the full age of twenty-one years.

That

That you are a subject of Her Majesty either by birth or by naturalization.

That you have not voted before at this election, either at this or any other polling place.

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election:

So help you God.

---

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

(4) If the voter has ceased to be the owner, tenant or occupant of the property, the words "*and still are*" should be omitted, but in that case there MUST be added at the end of this clause of the oath the following: "*and that you are still a resident of this electoral district.*"

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent, VOTING UPON A CERTIFICATE issued under sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of* ," naming the municipality mentioned in the certificate.

FORM 22.

(*Referred to in Section 92.*)

FORM OF OATH TO BE TAKEN BY VOTERS IN CERTAIN PLACES WHERE THERE ARE NO VOTERS' LISTS, AND ALSO IN ALGOMA.

You *swear* (1) that you are *A.B.* (2)

That you are actually, truly, and in good faith (3) *possessed to your own use as owner of real estate in this Electoral District, of the value of two hundred dollars or upwards.*

That you have been such *owner* (4) for the six months next preceding this election, and are entitled to vote at this election.

That you are of the full age of twenty-one years.

That you are a subject of Her Majesty either by birth or by naturalization.

That you have not voted before at this election, either at this or any other polling place.

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

---

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) Insert here the name of the voter.

(3) If the voter is not voting as "owner" but as a "resident householder," then for the words "*possessed to your own use and benefit as owner of real estate in this Electoral District of the value of two hundred dollars and upwards,*" substitute the words "*a resident householder in this Electoral District.*"

(4) If the voter is a resident householder, then for "*owner*" substitute "*resident householder.*"

CHAPTER

CHAPTER 3.

An Act to provide for the final settlement of the Common School Fund.

[*Assented to* 1st *February*, 1883.]

Preamble.

WHEREAS it has been proposed on behalf of the Government of the Province of Quebec that the shares of the Provinces of Quebec and Ontario in the Common School Fund, existing under the provisions of chapter twenty-six of the Consolidated Statutes of Canada, should be determined by mutual agreement, and should be finally separated;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor authorized to agree with Government of Quebec for the acquisition of their share of unsold Common School lands.

1. The Lieutenant-Governor in Council of this Province may enter into an agreement with the Government of the Province of Quebec for the acquisition by this Province of the share and interest of the said Province of Quebec in such of the lands appropriated for the purpose of forming the said Common School Fund as have not yet been sold, and in the uncollected purchase moneys of such of the said appropriated lands as have been sold; such agreement to be for such sum of money, and upon such terms, as may be mutually arranged.

Agreement not to be operative until ratified.

2. The said agreement shall not be operative until it has been ratified by a resolution of the Legislative Assembly of this Province.

CHAPTER 4.

An Act to correct a clerical error in the Act of last session respecting the sale of lands in Algoma for Government taxes.

[*Assented to* 1st *February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

45 V., c. 2, s. 6 amended.

1. The word "sheriff" is hereby struck out of the fourth line of the sixth section of the Act passed in the last Session of this Legislature, and entitled "An Act respecting the sale of lands in Algoma for Government taxes," and the word "treasurer" is substituted for the word "sheriff" so struck out.

CHAPTER 5.

An Act to establish Public Creameries.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS it is desirable in the public interest that measures should be taken to improve the quality of dairy butter produced in the Province;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Ontario Creameries Act, 1883."

Three public creameries may be established.

2. Three public Creameries may be erected and supplied with all necessary utensils and apparatus for the proper manufacture and packing of butter, the said Creameries to be established at such places in the Province as may be fixed by the Lieutenant-Governor in Council upon a report of the Commissioner of Agriculture.

Consulting Board.

3. The President of the Dairymen's Association East, the President of the Dairymen's Association West, and the President of the Agriculture and Arts Association for the time being shall be a Consulting Board for the selection of the sites for the said Creameries and for the management thereof.

Management.

4. Each Creamery shall be in charge of a skilful manager who, subject to the directions of the said Commissioner, or such Consulting Board under the regulations as hereinafter referred to, shall buy material and supplies, sell the produce of the Creamery and generally carry on the business of butter-making; he shall annually make a full report to the Commissioner concerning the operations of each year, or oftener if required to do so.

Instruction to be given free of charge.

5. (Subject to any Regulations to be from time to time made by the Lieutenant-Governor in Council in this behalf), any resident of the Province desirous of receiving instruction in the art of butter-making may attend one or other of the public Creameries and obtain from the manager, without the payment of any fee, full information respecting the mode in which butter is made, cured and packed in such Creamery; and (subject as aforesaid) it shall be the duty of the manager to give such information to all persons seeking to acquire it, and to afford them every needed facility for observing the methods in use throughout all the stages of the Creamery process.

6.

6. An account shall be kept at each Creamery of all receipts and payments at the Creamery, and such receipts and payments shall be under the supervision and subject to the direction of the Treasury Department. An annual appropriation shall be made for the maintenance of the several establishments. Accounts to be supervised by Treasury Department. Appropriation for maintenance.

CHAPTER 6.

An Act for the better Administration of Justice in this Province.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Administration of Justice Act, 1883." Short title.

2. The Court of Appeal for Ontario shall hereafter consist of a chief justice and four other judges, instead of three as heretofore; and section four of the Ontario Judicature Act, 1881, shall be read by substituting the following words in lieu of the first four lines of that section:—"The Court of Appeal for Ontario, at present existing, is continued under that name, and shall hereafter consist of a chief justice to be called the Chief Justice of Ontario, and four other judges, to be called Justices of Appeal." Constitution of Court of Appeal. 44 V. c. 5, s. 4 amended.

3. It shall be the duty of one of the judges to assist from time to time in the transaction of the business of the High Court, and especially of the Chancery Division thereof, when his duties as a Justice of Appeal permit; and he shall, in the exercise of such duty with respect to business in the High Court, have the rights, powers and privileges of a Judge of the High Court. One of the Justices of Appeal to assist in business of High Court.

4. The court out of which a writ of attachment issues, or a judge having authority to make orders therein, may, at any time after a writ of attachment has been in the hands of a sheriff, or other officer, for one month, direct such sheriff, or other officer, to sell any goods or chattels, except chattels real, which have been attached under such writ. Sale of goods under writ of attachment. R. S. O. c. 68, ss. 20, 21, repealed.

(2) An order for sale may be made upon the application of any creditor having a writ of attachment, or a writ of execution, in the hands of the sheriff, and shall be made wherever the

the judge is satisfied that the alleged debtor has in fact absconded indebted to the applicant, and that the property attached is not sufficient to pay in full the claims of the persons who have sued out writs of attachment, or execution, but this provision shall not be construed to restrict the authority of the court or judge to make an order in other cases; and in all cases the court or judge may impose such terms as are deemed fitting.

(3) No writs of execution received by a sheriff or other officer after the receipt of a writ of attachment, shall take priority of the writ of attachment, but all writs of execution placed in the hands of the sheriff, or other officer, prior to the distribution of the proceeds of the effects attached, shall, subject to any priority given for costs incurred under the first writ of attachment, rank ratably in proportion to the sums actually due thereon, whether or not any of the writs of execution are or is founded upon a writ of attachment.

(4) The twentieth and twenty-first sections of the *Revised Statute respecting Absconding Debtors* are hereby repealed.

When Clerk of County Court not to be *ex officio* Registrar of the Surrogate Court.

5. In case the Registrar of a Surrogate Court dies, resigns, or is removed from office, if the salary, fees and allowances of the Clerk of the County Court and Deputy Clerk of the Crown, or the Clerk of the County Court and Local Registrar of the High Court, for the year terminating on the thirty-first day of December next preceding the death, removal, or resignation of such Registrar of the Surrogate Court amount to the sum of $1,600, the Clerk of the County Court shall not be *ex officio* Registrar of the Surrogate Court. This section shall apply as if passed at the last session of this Legislature.

(2) The recital or statement in a commission of the Lieutenant-Governor appointing a person to fill the office of Registrar of the Surrogate Court of any county shall be conclusive evidence that such registrarship comes within the provisions of this section.

Notice to be given to Minister of Justice and Attorney-General of Ontario before any Act is declared invalid in a civil proceeding.

6. When in any civil suit or any proceeding in regard to which this Legislature has authority to enact as hereinafter mentioned, the constitutional validity of any Act of the Parliament of Canada or of the Legislature of Ontario comes into question, the same shall not be adjudged to be invalid until after notice thereof has been served on the Minister of Justice and the Attorney-General of Ontario, or at their offices respectively.

(2) The notice in such case shall be entitled in the cause; shall state what the Act or section of an Act is which is in question, and the day on which the case or the said question is to be argued; and shall give such other particulars as are necessary to shew the constitutional point proposed to be argued.

(3)

(3) The notice shall be served six days before the day of the argument, unless a judge authorizes a shorter notice.

(4) Upon every such question the said Minister of Justice and the said Attorney-General shall be entitled as of right to be heard, either in person or by counsel, notwithstanding that the Crown is not a party to the cause or proceeding.

CHAPTER 7.

An Act to consolidate and amend the Acts respecting Jurors and Juries.

[*Assented to 1st February*, 1883.]

Preliminary, ss. 1, 2.
Qualifications, exemptions and disqualifications of Jurors, ss. 3 to 10.
County Selectors, ss. 11 to 16.
Selection and distribution of Jurors from the Assessment Roll, ss. 16 to 28.
Jurors' Books, preparation of, ss. 29 to 48.
Second selection of Jury Lists from Jurors' Books, ss. 49 to 61.
Selection in case of separation of United Counties, ss. 62 to 65.
Process for return of Panels of Jurors, ss. 66 to 84.
Drafting of Panels from Jury Lists, ss. 85 to 95.
Summoning Jurors, ss. 96 to 100.
Mode of drafting by Coroners and Elisors, s. 101.
Empanelling Grand Jury, s. 102.
Drawing Jurors at the trial, ss. 103 to 107.
Entry of service, ss. 108 to 109.
Challenges, ss. 110 to 112.
Special Juries, ss. 113 to 121.
Juries of Merchants, etc., ss. 122 to 128.
Costs of Special Juries, ss. 129 to 130.
Views, ss. 131 to 136.
Miscellaneous :—
Duties of Sheriffs may be performed by Deputy, s. 137.
Omissions not to vitiate verdicts, s. 138.
No person to be summoned unless on the Roll, s. 139.
Sheriffs' and Coroners' Juries. s. 140.
Juries *de ventre inspiciendo*, s. 141.
Fees of Jurors, ss. 142 to 149.
Fund for payment of Jurors, ss. 150 to 158.
Fees of Selectors, etc., s. 159
1.—Selectors, ss. 159, 160.
2.—Clerks of Peace, s. 161.
3.—Sheriffs, s. 162.
Mode of payment, ss. 163, 164.
Offences and penalties, ss. 165 to 176.
General provisions, ss. 177 to 180.
Schedules.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Consolidated Jurors' Act of 1883.*"

INTERPRETATION.

INTERPRETATION.

"County." "Township."

2. The word "County," wherever it occurs in this Act, shall include "Unions of Counties" for judicial purposes, and the word "Township" shall include "Unions of Townships." R. S. O. c. 48, s. 2.

High Court of Justice.

(2) Unless where inconsistent with the context "High Court" or "High Court of Justice" and all words referring to such Court, shall include the High Court of Justice for Ontario, and any Court of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery.

Sitting of High Court.

(3) Unless where inconsistent with the context a sitting of the High Court shall mean a sitting of the said Court for the trial of civil or criminal cases by Jury, and shall also include a sitting of a Court of Assize, Nisi Prius, Oyer and Terminer or Gaol Delivery.

QUALIFICATIONS, EXEMPTIONS, AND DISQUALIFICATIONS OF JURORS.

Qualification.

3. Unless exempted, every person residing in any County or other local judicial division in Ontario, who is over the age of twenty-one years, and in the possession of his natural faculties, and not infirm or decrepid, and who is assessed as owner or tenant for local purposes upon property, real or personal, belonging to him in his own right, or in that of his wife, of the value of not less than six hundred dollars in Cities, and four hundred dollars in Towns, incorporated Villages, and Townships, shall be qualified and liable to serve as a Juror, both on Grand and Petit Juries, in the High Court of Justice for Ontario, and in all Courts of Civil or Criminal jurisdiction within the County or other local judicial division of the County in which he resides. 42 V. c. 14, s. 3.

Parting with property after assessment not to disqualify.

4. No person enrolled as a Juror, in respect of property of which he was at the time seized or possessed, shall be disqualified or exempted from serving as such Juror, in consequence of his having ceased to be seized or possessed of such property between the time of enrolment and of his being called upon to serve as such Juror, nor shall the same form any ground of challenge to such Juror. R. S. O. c. 48, s. 4.

Joint proprietors to be deemed equally interested.

5. Wherever property is assessed on the Assessment-roll of any Township, Village or ward, as the property of two or more persons jointly, the Selectors of Jurors to whom it belongs to extract from such roll the names thereon of those qualified and liable to serve as Jurors, may, and, if they have the requisite information as to the names of the parties to enable them to do so, shall, in making such extract, and for all the purposes of this Act, treat such property as if it belonged to such persons in equal proportions, and such Selectors

tors shall treat each of such persons, as respects his qualification and liability to serve as a Juror, as if he had been severally assessed for such equal proportion of such property. R. S. O. c. 48, s. 5.

Persons exempted from serving as Jurors; and not to be inserted on the rolls.

6. The following persons are hereby absolutely freed and exempted from being returned and from serving as either Grand or Petit Jurors in any Court, and shall not be inserted in the rolls to be prepared and reported by the Selectors of Jurors as hereinafter mentioned:

(1) Every person upwards of sixty years of age;

(2) Every member of the Executive Council of Canada and of this Province;

(3) The Secretaries of the Governor-General and the Lieutenant-Governor;

(4) Every officer and other person in the service of the Governor-General or Lieutenant-Governor for the time being;

(5) Every officer of the Dominion or Provincial Government;

(6) Every Clerk and Servant belonging to the Senate and House of Commons and the Legislative Assembly, or to the Public Departments of Canada or of this Province;

(7) Every Inspector of Prisons;

(8) The Wardens of the Provincial Penitentiary, the Central Prison and the Reformatory;

(9) Every Officer and Servant in the said Penitentiary, Central Prison, and Reformatory;

(10) Every Judge of a Court having general jurisdiction throughout Ontario;

(11) Every Judge of any County or other Court (except the General Sessions of the Peace) having jurisdiction throughout any County;

(12) Every Sheriff, Coroner, Gaoler and Keeper of a House of Correction or Lock-up House;

(13) Every Priest, Clergyman and Minister of the Gospel recognised by law, to whatever denomination of Christians he may belong;

(14) Every member of the Law Society of Upper Canada, actually engaged in the pursuit or practice of his profession, whether as a Barrister or Student;

(15) Every Solicitor of the Supreme Court of Ontario actually practising;

(16) Every Officer of any Court of Justice whether of general, County, or other local jurisdiction, actually exercising the duties of his office;

(17)

(17) Every Physician, Surgeon and Apothecary, duly qualified to practise, and being in actual practice;

(18) Every Officer in Her Majesty's Army or Navy on full pay;

(19) The Officers, non-commissioned officers and men of corps of Volunteers, while they continue such; and a certificate under the hand of the Officer commanding any such corps shall be sufficient evidence of the service in his corps of any Officer, non-commissioned officer or man for the then current year, and of his exemption as aforesaid; 27 V. c. 3, s. 20.

(20) Every Pilot and Seaman actually engaged in the pursuit of his calling;

(21) Every Officer of the Post Office, Customs, and Excise;

(22) Every Sheriff's Officer and Constable;

(23) Every County, Township, City, Town and Village Treasurer and Clerk;

(24) Every Collector and Assessor;

(25) Every Professor, Master and Teacher of any University, College, Collegiate Institute, High School, Public School, or other School or Seminary of learning, actually engaged in performing the duties of such appointment;

(26) Every officer and servant of any such University, College, School or Seminary of learning, actually exercising the duty of his office or employment;

(27) Every Editor, Reporter, and Printer of any public Newspaper or Journal actually engaged in such employment or occupation;

(28) Every person actually employed in the management and working of any Railway;

(29) Every Telegraph Operator;

(30) Every Miller;

(31) Every Fireman belonging to any regular Fire Company who has procured the certificate authorized by the second section of the Act, chaptered one hundred and seventy-eight of the Revised Statutes of Ontario, during the period of his enrolment and continuance in actual duty as such Fireman; and every Fireman who is entitled and who has received the certificate authorized by sections five and six of the said last mentioned Act; but no Fireman shall be exempt from serving as a Juror, unless the Captain or other Officer of the Fire Company, at least five days before the time appointed for the selection of Jurors, notifies to the Clerk of the Municipality the names of Firemen belonging to his Company, residing within such Municipality, who are exempt as aforesaid, and claims exemption for them. R. S. O. c. 48, s. 7; c. 178, ss. 2, 5 and 6.

7.

Exemptions from serving.

7. Every member of the Senate and House of Commons and of the Legislative Assembly of this Province, every Warden and every member of any County Council, every Mayor, Reeve, or Deputy Reeve of any City, Town, Township, or Village, every Justice of the Peace and every other member and Officer of any Municipal Corporation, is hereby absolutely freed and exempted from being selected by the Selectors of Jurors hereinafter mentioned to serve as a Grand or Petit Juror in Her Majesty's Inferior Courts, and none of the names of any such persons shall be inserted in the rolls from which Jurors are to be taken for such purposes, and if any such name be at any time accidentally inserted in any such roll, it shall, if drawn in selecting any jury list or drafting any panel therefrom for such Inferior Courts, be set aside and not inserted therein. 42 V. c. 14, s. 2.

Service at Division Courts not to exempt.

8. Service as a Juror at any Division Court shall not exempt such Juror from serving as a Juror at any other Court, and no person who is by law exempted from serving as a Petit Juror in the High Court shall be compelled to serve as a Juror in any Division Court. R. S. O. c. 48, s. 10.

Aliens disqualified.

9. No man not being a natural-born or naturalized subject of Her Majesty shall be qualified to serve as a Grand or Petit Juror in any of the Courts aforesaid on any occasion whatever. R. S. O. c. 48, s. 11.

Attainted persons disqualified.

10. No man attainted of any treason or felony, or convicted of any crime that is infamous, unless he has obtained a free pardon, and no man who is under outlawry, shall be qualified to serve as a Grand or Petit Juror in any of the said Courts on any occasion whatever. R. S. O. c. 48, s. 12.

County Selectors.

11. The senior Judge of the County Court, the junior Judge thereof, the Mayor of any City situate in any such County the Warden, the Treasurer, the Sheriff, or in his absence the deputy Sheriff of the County, any three of whom shall be a quorum, shall be *ex-officio* Selectors of Jurors, from the Jurors' Rolls within their respective Counties, and may be known as "County Selectors." In case of an equality of votes, amongst the Selectors present upon any question which may arise, the County Judge, if present, or in his absence the Junior Judge, shall have a double or casting vote in the decision of the question. 42 V. c. 14, s. 3.

County Clerk a Selector, when.

12. When the County Treasurer is a practising solicitor attorney or barrister, he shall be disqualified from acting as a County Selector, and in such case the Clerk of the County Council shall be a County Selector in his place and stead; and if the said Clerk of the County Council be a practising solicitor or barrister, he shall in like manner be disqualified, and the Clerk of the County Court shall be a County Selector in the place

place and stead of the person or persons so disqualified. 42 V. c. 14, s. 4.

Annual Meeting of County Selectors.

13. The County Selectors for each County shall assemble annually at the office of the Clerk of the Peace, or in the County Court House on the fifteenth day of September, or if such day be a Sunday or statutory holiday, then on the first day thereafter, not being such holiday, for the purpose of determining the number of Jurors both Grand and Petit, and for the High Court and Inferior Courts respectively, which shall be returned by the Townships, Villages, and urban wards as the case may be to the Clerk of the Peace, for service as Jurors during the ensuing year, and the Clerk of the Peace shall attend the meeting of such Selectors, and, in a book to be kept for the purpose, shall enter their proceedings and resolutions; but he shall have no voice in the selection of Jurors, and shall in no case advise or express an opinion whether any name ought to be placed upon or omitted from the Jury list. 42 V. c. 14, s. 5.

Determination of number of Jurors for the year.

14. The County Selectors shall at such meeting, by resolution, first determine and declare the number of Jurors, both Grand and Petit respectively, that will be required as Jury panels for service at the several sessions of the Courts during the ensuing year, and shall fix the total number of names of Jurors, Grand and Petit, respectively, and for the High Court and Inferior Courts respectively, which the local Municipalities shall return at three times the number declared by the resolution to be required. 45 V. c. 8, s. 5; 42 V. c. 14, s. 6.

Determination of number of Jurors from each Municipality.

15. The County Selectors shall then, by resolution, determine the number of names of such Grand and Petit Jurors respectively, for the High Court and Inferior Courts respectively, to be returned for each Township, Village, and urban ward in the County, and the number of names of persons on the Voters' List of each Municipality, marked as qualified to serve on juries, shall form an approximate basis for such division; and the Clerk of the Peace shall preserve, and at such meeting produce for the use of the County Selectors, the Voters' Lists, delivered to him by the Clerks of the several Municipalities under the provisions of the Voters' Lists Act, or duly certified copies of such lists. 42 V. c. 14, s. 7.

Clerk of the Peace to notify Clerks of local Municipalities.

16. The Clerk of the Peace shall within five days after the meeting of the County Selectors, notify in writing the Clerk of each local Municipality in the County, of the number of names of Grand and Petit Jurors respectively, required to be returned from the Municipality for which he is Clerk, and in the case of Cities and Towns for each ward of such City or Town for service in the High Court and Inferior Courts respectively. 42 V. c. 14, s. 9.

SELECTION AND DISTRIBUTION OF JURORS FROM THE ASSESSMENT ROLL.

Certain municipal functionaries to be selectors of jurors.

17. The Mayor or Reeve, the City, Town, Village or Township Clerk, and the Assessor, or Assessors if there be more than one of the respective Cities, Towns, Villages and Townships in Ontario shall be *ex officio* the first Selectors of Jurors for every Township and Village and for each ward of every such City or Town. R. S. O. c. 48, s. 13.

When the selection shall be made;

And where.

18. The Selectors shall assemble annually on the tenth day of October, or if such day be a Sunday or a statutory holiday, then on the first day thereafter not being such holiday, at the place where the meetings of the Municipal Council of such City, Town, Village or Township are usually held, or at such other place within the Municipality as may for that purpose be appointed by the Head of such Municipal Corporation, or during his absence, or the vacancy of the office, by the Clerk thereof, for the purpose of selecting from the Assessment rolls of such City, Town, Village or Township the names of the persons qualified and liable to serve as Jurors under this Act. R. S. O. c. 48, s. 14; 42 V. c. 14, s. 10.

Principles by which the Selectors are to be governed.

19. The Selectors shall select such persons as in the opinion of the Selectors, or of a majority of them, are from the integrity of their characters, the soundness of their judgments and the extent of their information the most discreet and competent for the performance of the duties of Jurors. R. S. O. c. 48, s. 15.

The Clerks of Councils to produce Assessment rolls, etc.

20. The City, Town, Village or Township Clerk, or the Assessor or Assessors, or the other officer or person who has the actual charge or custody of the Assessment roll for any City, Town, Village or Township for the year, shall, at the time aforesaid, bring such Assessment roll to the annual meeting of the Selectors of Jurors for such City, Town, Village or Township, and permit the use of the same for the purpose aforesaid. R. S. O. c. 48, s. 16.

Meeting of selectors.

Selectors to be sworn.

21. Such Selectors shall annually, on the said tenth day of October, or if they have been unable to complete the duty hereby imposed upon them on such tenth day, then on the first day next thereafter not being a Sunday or a statutory holiday, proceed to select the names from such rolls, and shall, before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form following:

The oath.

"I, A. B., do swear *(or* affirm, *as the case may be)* that I will truly, faithfully and impartially, without fear, favour or affection, and to the best of my knowledge and ability, perform the duty of a Selector of Jurors,

Jurors, and will select from the proper lists the requisite number of the most fit and proper persons to serve as Jurors for the year of Our Lord, one thousand eight hundred and : So help me God.

" Sworn (*or* affirmed) before me, at , the day of 18 ."

(Signed) C. D.,
J. P.,

(Signed) A. B.

How administered.

which oath or affirmation any Justice of the Peace may (within his jurisdiction) administer. R. S. O. c. 48, s. 17; 42 V. c. 14, s. 18.

Manner in which Municipal Selectors to make list from which to select Jurors.

22. The Selectors for each Municipality shall, from the certified Voters' List for the Municipality for the year, if such list has been certified, or if the same has not been certified, then from the list for the year published by the Clerk of the Municipality, or if no such list has been published then from the last certified list, or if there is no certified list for the Municipality then from the Assessment roll, write down on one or more sheets of paper, provided for that purpose, twice as many names of persons appearing by the Assesment roll to be possessed of the requisite property qualification and otherwise duly qualified to serve on juries, as have been required by the County Selectors to be selected and returned from the township, village or urban wards of the Municipality; and the proper Assessment roll shall in all cases be referred to by the Selectors for the purpose of determining who are exempt or disqualified from acting as Jurors and for such other purposes as are necessary in the discharge of their duty as Selectors. 42 V. c. 14, s. 11.

Clerk to produce Voters' List and Assessment-roll.

(2) The Clerk of the Municipality shall for the purposes of this section, bring with him and produce to the Selectors the proper Voters' List and Assessment Roll.

Selection to be made in alphabetical order.

(3) The first year after this Act shall come into force, the Selectors for each Municipality respectively shall commence as nearly as can be ascertained, with those persons whose surnames begin with the letter of the alphabet next succeeding that at which the Selectors of the next preceding year left off, except in those Municipalities where the property qualification of Jurors has heretofore been under the second sub-section of the first section of the Jurors' Act of 1879; and in the last named Municipalities they shall begin with the names of those persons whose surnames begin with the letter "A"; and shall then, and thereafter from year to year in making the selection, proceed from letter to letter in alphabetical order, and shall write down the names consecutively in alphabetical order of all those persons qualified to serve on juries and not exempt by law, until twice the total number required to be returned from the Municipality of persons duly qualified shall be obtained; and at each subsequent annual meeting the Selectors for the Municipality shall begin at

at the letter next to that at which they left off the preceding year, and so on in alphabetical order, until they shall have gone through all the remaining letters of the alphabet, when they shall again begin with the letter "A."

Procedure when number qualified under one letter not exhausted.

(4) In the event of such Selectors obtaining the names of a sufficient number of duly qualified persons after they have entered upon, but not before they have exhausted the entire number of those qualified under any one letter, they shall at the next annual selection commence at the beginning of such letter, but shall not select from the names of any persons that were written down and selected from and returned the preceding year. The Selectors shall select at least two-thirds of the persons whose names they have so written down, namely the two-thirds thereof in their opinion the best qualified to serve on juries, and shall place a number opposite each name of the said two-thirds so selected. 42 V. c. 14, s. 11; 44 V. c. 6, s. 1.

Voters' Lists to shew persons qualified to serve as Jurors.

23. In order to facilitate the selection of Jurors, the Clerk shall, in making out the Voters' List, in the column containing the number of the voter on the roll, or in a separate column provided for the purpose beside the same, write or mark the letter "J" upon the Voters' List opposite the name of every male person over twenty-one and under sixty years of age who, by such roll appears to possess the property qualification requisite to qualify him to serve as a Juror; and such Voters' List shall shew, at or near the end thereof, the aggregate number of names of persons upon such list qualified to serve on Juries, and in the case of cities and towns, the said list shall give the same information for each ward, and it shall not be necessary for the Selectors to refer to any name on the Assessment Roll which has not the letter "J" opposite it in the Voters' List, unless the Selectors suspect that some names are not properly marked, but this section shall not apply to townships where the qualification is ascertained under the sixth section of the Jurors' Act. 42 V. c. 14, s. 12.

In case of an equality of votes among the Selectors, who to have the casting vote.

24. In case of an equality of votes amongst such Selectors as to any one or more of the names to be so selected, or as to the division of the report of such Selectors in which any such name shall be inserted in the distribution of such names as hereinafter provided, or as to any other incidental question which may arise, the Mayor or Town Reeve, or in the case of his absence or the vacancy of the office, the City, Town, Village or Township Clerk, or in the absence or vacancy of the offices of both, then the Assessor whose roll for the year contains the greatest number of assessed names, and in the case of joint Assessors, the Assessor first named in the appointment of such Assessors, shall have a casting or double vote in the decision of the question. R. S. O. c. 48. s. 19.

25.

Jurors to be selected by ballot.

25. The Selectors shall then prepare a set of ballots, on pieces of parchment or paper of uniform and convenient size, containing the same number of ballots as there are names selected, allowing one name to each ballot, and such ballot shall be numbered to correspond with the numbers opposite the names of the two-thirds selected, and the Selectors shall then proceed to ballot for Jurors the number required to be selected from such Municipality by the County Selectors. 42 V. c. 14, s. 13.

Record to be kept by Clerk of Municipality.

(2) The Clerk of the Municipality shall, in a book to be kept for that purpose, enter the dates of the meetings of such selectors for the Municipalities, the persons present thereat and taking part therein, and the letters of the alphabet from which the selections of names of persons are from year to year made, and when the names in any letter have not been exhausted in any one year, the Clerk of the Municipality shall enter in such book the names and additions of all persons whose names begin with the last mentioned letter that were written down and selected from, and returned during the then current year. 42 V. c. 14, s. 13; 44 V. c. 6, s. 2.

Manner of balloting.

(3) The manner of balloting shall be as follows:

(*a*) The Selectors, or one of them, shall place the ballots, correctly numbered, promiscuously in a box or urn, to be by them procured for that purpose, and shall cause said box or urn to be shaken so as sufficiently to mix the ballots, and shall then openly draw from the said box or urn indiscriminately, one of said ballots, and declare openly the number on such ballot, whereupon the Clerk, or one of the Selectors present, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the list;

(*b*) And thereupon the name and addition of the person whose name has been so selected, shall be written down on a sheet of paper provided for that purpose;

(*c*) Which being done, the Selectors shall proceed in like manner to ballot and dispose of other numbers from the said box, or urn, until the necessary number has been completed. 42 V. c. 14, s. 13; 44 V. c. 6, s. 2.

Jurors to be distributed into four divisions.

26. The Selectors having made such selection and ballot shall, for the purpose of the report thereof, distribute the names of the persons so balloted into four divisions; the first consisting of persons to serve as Grand Jurors in the High Court; the second, of persons to serve as Grand Jurors in the Inferior Courts; the third, of persons to serve as Petit Jurors in the High Court; and the fourth, of persons to serve as Petit Jurors in the Inferior Courts, and shall make such distribution according to the best of their judgment with a view to the relative competency of the parties to discharge the duties required of them respectively. R. S. O. c. 48, s. 21.

Selectors to make distribution among

27. The Selectors shall make the distribution among the four divisions, so that each division shall contain the number of

of names required by the County Selectors to be returned for such division, from the Township, Village or urban ward respectively. the four divisions.

(2) The Selectors shall make out and return to the Clerk of the Peace the names of the persons so selected in alphabetical order. 42 V. c. 14, s. 14; 44 V. c. 6, s. 3. Names to be returned to Clerk of Peace.

28. The said Selectors of Jurors respectively shall thereupon make out in duplicate under their hands and seals, or under the hands and seals of such of them as perform the duty, a report of their selection, ballot and distribution for the Township, or Village or urban ward, as the case may be, which report shall be as nearly as may be in the form given in Schedule A, appended to this Act, and be filled up agreeably to the directions contained in the notes to such form. Selectors to make out a duplicate report, etc.

(2) There shall be subjoined to each duplicate report a written declaration, subscribed by the Selectors respectively, stating, each for himself, that he had made the selection, ballot and distribution to the best of his judgment and information pursuant to this Act, and without fear, favour or affection of, to, or for any person or persons whomsoever, gain, reward or hope thereof, other than such fees as they are lawfully entitled to receive for the same under the authority of this Act. Declaration to be subjoined to the report.

(3) One of such duplicate reports shall, on or before the twenty-fifth day of October, be deposited by such Selectors with the Clerk of the Peace for the County in which the Town, Village or Township lies, or within the limits of which such City is embraced; and the other duplicate, with the City, Town or Village or Township Clerk, as the case may be. Reports to be deposited with certain officers.

(4) Such Clerks respectively shall keep such duplicate reports on file in their respective offices for the use and information of all who may have lawful occasion to examine or make use of the same. Who shall keep the same on file.

(5) In case of the loss or destruction of any duplicate original Selectors' report, the officer in whose office the same was when so lost or destroyed, shall, as soon as reasonably may be, procure from the officer, to whom the legal custody of the other duplicate original of such report belongs, a certified copy of such duplicate report, and shall file the same in his office in lieu of the duplicate original, and such certified copy shall be thenceforth taken, received and acted upon in all respects as if it were the duplicate original report so lost or destroyed. R. S. O. c. 48, s. 23; 42 V. c. 14, s. 10. In case of loss, a copy of such duplicate report to be filed.

PREPARATION OF JURORS' BOOKS.

29. The Clerk of the Peace for every County shall annually procure a book and keep the same as nearly as may be in the form of Schedule B to this Act and agreeably to the directions contained Clerk of the Peace to prepare jurors' books in form of schedule B;

contained in the notes to such Schedule, and such book shall be called "The Jurors' Book," for the County of which he is such Clerk, and the year for which such book is to be used, as hereafter provided, shall be inserted therein. R. S. O. c. 48, s. 24.

In which shall be entered the names of Grand and Petit Jurors.

30. From the reports of the first Selectors of Jurors for the different Townships, Villages and urban wards, or other like local divisions of the County, so made to the several Clerks of the Peace for such year as aforesaid, or from such of them as may have been so made to them respectively, on or before the twenty-fifth day of October, in such year, each such Clerk shall, between the twenty-fifth day of October and the tenth day ot November in such year, transcribe into the Jurors' Book aforesaid, in alphabetical order, the names and additions of all persons selected to serve as Grand or Petit Jurors, as the same are set forth and distributed in such reports. R. S. O. c. 48, s. 25; 42 V. c. 14, s. 10.

Such books to contain four Rolls of Jurors.

31. Such names shall be transcribed into the book in four Rolls; the first to be called "Roll of Grand Jurors to serve in Her Majesty's High Court of Justice," the second "Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction," the third, "Roll of Petit Jurors to serve in Her Majesty's High Court of Justice," and the fourth, "Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal or Civil Jurisdiction." R. S. O. c. 48, s. 26.

Names and additions of Jurors.

32. In each of such Rolls shall be transcribed the names and additions of all persons by the Selectors selected, balloted and reported as aforesaid to serve as Jurors in each respective County. R. S. O. c. 48, s. 27.

Certified Jurors' Book to be deposited with Registrar Q. B. Div. in Co. York, and in other Counties with Clerk or Registrar.

33. The Clerk of the Peace shall, on or before the thirty-first day of December, cause a correct copy of such Jurors' Book, certified by him to be a true copy of the original, to be made and deposited in the office of the Registrar of the Queen's Bench Division of the High Court of Justice for Ontario in the County of York, and in other Counties in the office of the Deputy Clerk of the Crown and Pleas or of the Local Registrar of the High Court of Justice in the County, as the case may be, and from it, in the event of the loss or destruction of the original by fire or other accident, a duplicate original of such Jurors' Book shall be made, and being certified by the said Registrar, Deputy Clerk or Local Registrar, to be truly copied from the copy deposited in his office, shall, upon such loss or destruction being established upon oath or affirmation before two or more Justices of the Peace of the County, be received and used on all occasions and for all purposes, as the original so lost or destroyed. R. S. O. c. 48, s. 28.

When copies therefrom to be procured and used.

34. In every case of the destruction of any original Jurors' Book, the Clerk of the Peace for the County shall, as soon as reasonably may be, procure a duplicate original of such book, certified as aforesaid, and deposit the same in his office as above provided. R. S. O. c. 48, s. 29.

Notice to be given to the Sheriff, etc.

35. In every such case the Clerk of the Peace shall, as soon as may be after procuring such duplicate original, give to the Sheriff or other officer of the County to whom the return of jury process belongs, notice of such destruction, and of the procurement and deposit of such duplicate original in lieu of the original, and thereupon such Sheriff or officer shall furnish to such Clerk of the Peace copies of all panels of Jurors drafted by such Sheriff or officer from the Jury Lists in the original book; and such Clerk of the Peace shall thereupon enter such panels in the duplicate original Jurors' Book, in like manner as the same were entered in the said original Jurors' Book. R. S. O. c. 48. s. 30.

When union of Counties dissolved what shall be done by Clerk of the Peace.

36. In every case in which a proclamation issues, disuniting a Junior County from a Senior County or Union of Counties to take effect from and after the first day of January of the then following year, the Clerk of the Peace for the Union of Counties of which the Junior County is at the time a member, shall procure two of such Jurors' Books, one for the County or Counties from which such Junior County is to be so disunited, and the other for such Junior County itself. R. S. O. c. 48, s. 31.

How the Jurors' names shall be arranged in the books.

37. Such Clerk shall transcribe into the former of such Books the names and additions of all persons selected for the different Townships, Villages and urban wards of such Senior County or Counties, into the latter of such Books, the names and additions of all persons selected for the different Townships, Villages and urban wards of such Junior County respectively. R. S. O. c. 48, s. 32.

Clerk of the Peace to prepare books etc.

38. In every such case the preparing of the Books, the selecting of the Jury Lists, and the performing of all other acts and things required by this Act to be done for such Junior County for such following year, shall be done and performed by the Clerk of the Peace and Court of General Sessions of the Peace for such original Union of Counties, and by the Chairman and officers thereof. R. S. O. c. 48, s. 33.

Clerk of the Peace of Senior County to deliver Jurors' Book to Clerk of the Peace of Junior County

39. In every such case as soon as may be after the Jurors' Book for the Junior County has been completed and the copies thereof made and deposited in the proper offices, the Clerk of the Peace of the original Union of Counties shall, on demand thereof, deliver the same to the Clerk of the Peace of the Junior County, who shall thereupon give him a receipt for such Book. R. S. O. c. 48, s. 34.

Treasurer of Junior County to pay accounts therefor.

40. Upon such receipt being filed with the Treasurer of such Junior County, and upon the accounts of the Clerk of the Peace and Crier of the said Court of General Sessions of the Peace of such original Union of Counties for the services thus performed for such Junior County being verified by affidavit before a Commissioner for taking affidavits for the County or Union of Counties, the Treasurer of such Junior County shall pay the amount of such accounts out of the like moneys as hereinafter provided with respect to the payment of similar accounts by the Treasurers of other Counties, and such payments shall in like manner be allowed in the accounts of such Treasurer. R. S. O. c. 48, s. 35.

How such Jurors' Rolls are to be divided.

41. Such Jurors' Rolls shall each be divided into Townships, Villages and wards, or other like sub-divisions answering to the local divisions of the Counties, and of the Cities and Towns embraced within the limits thereof, and such sub-divisions, and also the names within each sub-division respectively, shall be arranged alphabetically, and all the names in each of such Rolls thus arranged, shall be numbered with a series of current numbers from one forward. R. S. O. c. 48, s. 36.

How the Rolls are to be certified.

42. To each of such Rolls in the Jurors' Book shall be subjoined a certificate from the Clerk of the Peace, who prepared the same, that he has carefully compared such Roll with the reports made by the several Selectors of Jurors for the different Townships, Villages, and wards and other local divisions of the County or Union of Counties, and the Cities and Towns embraced within the limits of the same for the year, as such reports remained on file in his office on the fifteenth day of September in such year, and that such Roll contains a true and correct transcript of the names and additions of all persons so selected and reported to serve as Jurors as aforesaid. R. S. O. c. 48, s. 36.

Clerk of the Peace to bring Jurors' Book into General Sessions yearly and certify—

43. The Clerk of the Peace for each County shall, on the first day of the Court of General Sessions of the Peace for the County, held next after the tenth day of November in each year, bring into Court and publicly deliver to the Judge presiding at such Court *sedente curia*, the Jurors' Book so prepared by him as aforesaid for the then next year, together with the Jurors' Books for such and so many of the then next preceding years as may be required for proceeding with the selecting of the Jury Lists as hereinafter directed, and shall thereupon make oath in open Court:

That he has compared Jurors' Rolls,

1. That he has carefully compared the Jurors' Rolls in such first mentioned Jurors' Book with the reports made by the several Selectors of Jurors for the several Townships, Villages and urban wards within the County, as the same remained on file in his office on the twenty-fifth day of October preceding, and that to the best of his knowledge and belief the said Jurors' Rolls

Rolls contain a true and correct transcript of the names and additions of all persons so selected, balloted and reported by such Selectors of Jurors as aforesaid;

That the Jurors' Books are those remaining on file.

2. That the Jurors' Books secondly above mentioned are those remaining on file in his office for the years to which they purport respectively to belong, and that all entries in such last mentioned Books were truly and faithfully made therein, without fraud or collusion of any kind, and according to the very truth. R. S. O. c. 48, s. 38; 43 Vic. c. 9, s. 1.

If the Clerk has been changed the oath to be modified.

44. If such Clerk of the Peace has not been in office during all the time that such Jurors' Books have been on file in the office of the Clerk of the Peace for the County or Union of Counties, then he shall make oath, in open Court, that all entries in such Books made during the time that he has been in office, have been truly and faithfully made therein, without fraud or collusion of any kind, and according to the very truth, and that he has no reason but to believe, and does therefore verily believe, that all other entries made therein prior to his appointment, were in like manner truly and faithfully made therein as aforesaid. R. S. O. c. 48, s. 39.

The oath to be modified also when the books are brought in for the first time.

45. On the first occasion of bringing into Court a Jurors' Book for any County, or Union of Counties, there being no Jurors' Book for any preceding year for such County or Union of Counties, the oath to be made by the Clerk of the Peace shall be modified so as to be adapted to such circumstances. R. S. O. c. 48, s. 40.

If the Clerk for the time being suspects previous errors or fraud, he is to state the same.

46. If any Clerk of the Peace is unable to make the oath required by the forty-fourth section of this Act, as to the entries made in any such Jurors' Books previous to the time of such Book coming into his custody, or has reason to suspect that any original entries in any of such Books have, after their original completion, been erased, mutilated or altered, he shall in lieu of that part of the said oath, make oath that, as to such entries, he is unable to speak, but that from circumstances which have come to his knowledge, or of which he has been informed, he has reason to doubt the correctness thereof, or of some parts thereof, or has reason to suspect that some of the original entries in some of such books have been erased, mutilated or altered, as the case may be. R. S. O. c. 48, s. 41.

The General Sessions shall inquire into the matter.

47. In every case in which the Clerk of the Peace has made an affidavit in the terms of the last preceding section of this Act, the Court of General Sessions of the Peace shall, immediately after the selection has been completed, either on the same or some subsequent day, examine and inquire, by the oath of such persons as may be informed thereof, into such supposed incorrect entries, erasures, mutilations or alterations, their nature and extent, and by whom, when and for what purpose

purpose they were made, and shall punish the parties found to have made such incorrect entries, erasures, mutilations or alterations, by fine or imprisonment in their discretion, and shall cause such incorrect entries, erasures, mutilations or alterations to be rectified, and such Books restored to their original state as nearly as may be, according to the best information they have been able to obtain of or concerning the same. R. S. O. c. 48. s. 42.

The receipt of the books, etc., to be certified by the Chairman.

48. The Judge presiding at such Court shall thereupon certify under his hand and seal, in such Books respectively, the receipt of such Books and the oath or affirmation upon which the same have been received, and a remembrance of the same shall, by the proper officer, be also made in the minutes of such Court. R. S. O. c. 48, s. 43.

County Selectors to be Selectors of Juries.

49. The County Selectors shall be the Selectors of Jurors from the Jurors' Rolls, within their respective Counties. 42 V., c. 14, s. 15.

Court of Sessions may adjourn for selections and Selectors shall attend.

50. The Court of General Sessions may, if necessary, be adjourned from time to time for the selection of Jurors, and the Selectors shall attend for that purpose on the day or days appointed. R. S. O. c. 48, s. 47.

Selectors to be sworn.

51. On the day appointed for such selection, or on the day to which such selection may be adjourned such Selectors shall attend, and shall, before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form following:

The oath.

"I, A. B., do swear (*or* affirm, *as the case may be*) that I will truly, faithfully and impartially, without fear, favour or affection, and to the best of my knowledge and ability, perform the duty of a Selector of Jurors, and will select from the proper lists the requisite number of the most fit and proper persons to serve as Jurors for the year of Our Lord one thousand eight hundred and . So help me God.

"Sworn (*or* affirmed) before me at , the day of , one thousand eight hundred and ."

(Signed) C. D.,
J. P.

(Signed) A. B

How administered and recorded.

(2) Any Justice of the Peace may (within his jurisdiction) administer such oath or affirmation; and such Justice shall cause an entry thereof to be forthwith made in the minutes of the Court of General Sessions in the presence of the Judge presiding at such Court. R. S. O. c. 48, s. 48; 42 V., c. 14, s. 16.

County Selectors to determine the

52. The County Selectors shall by resolution determine the number of Petit Jurors to be drafted and returned to any Sittings

Sittings of the High Court, General Sessions of the Peace, or County Court, for the current or ensuing year; and it shall be the duty of the Clerk of the Peace forthwith, thereafter, to transmit to the Registrar of the Common Pleas Division of the High Court of Justice at Toronto, and to the Clerk of the County Court, a certified copy of such resolution, and such officers shall keep the same on file in their respective offices. 42 V., c. 14, s. 19.

number of Petit Jurors to be drafted and returned to each Court.

53. The County Selectors may amend any of their resolutions, and either increase or decrease the number of Jurors to be selected and returned by the Municipalities, the number to be selected by such County Selectors, or the number of Petit Jurors to be drafted and returned to any Sittings of the High Court, General Sessions of the Peace, or County Court, and in such case due notice thereof shall be given by the Clerk of the Peace to the proper parties. 42 V., c. 14, s. 20.

Power to amend resolutions.

54. The last mentioned Selectors of Jurors shall then proceed to select from the Jurors' Rolls the names of the requisite number of persons to serve as jurors for such year who, in the opinion of the Selectors or of a majority of them, are, from the integrity of their characters, the soundness of their judgment and the extent of their information, the most discreet and competent for the performance of the duties of Jurors, and in making such selection the Selectors may, if they think fit, select a proportion of the names for each Jury list from each local Municipality.

Selection of Jurors from Jurors' Rolls.

(2) The Selectors shall first proceed to select the Grand Jury list for the High Court, and when they or a majority of them have decided upon the selection of any person named on the Jury rolls, the names and additions at length of such person shall, by the Clerk of the Peace, be forthwith inserted in the Minute-Book of the Court, unless good cause why the same should not be so entered shall be shewn; and in order to determine the question, evidence may be taken by the Selectors upon oath, and in such case a minute of the evidence shall be taken and entered in the Minute-Book of the Court.

Clerk of Peace to enter names of Jurors selected.

(3) The names so selected, with the places of residence and additions of the parties alphabetically arranged, shall, by such Clerk of the Peace, be then copied into the Jurors' Book with the title of "The Grand Jury List for the High Court," and such List shall have a series of current numbers from one forward as is hereinbefore provided with respect to the Jurors' Rolls, and also a reference to the number of each name on the Roll of Grand Jurors for the High Court.

Names selected to be inserted in List.

(4) Each of such names shall, by the said Clerk of the Peace, be thereupon marked on such last mentioned Roll as transferred to such Jury List, by a reference to the number belonging to such name on that List.

Clerk of the Peace to enter names in the book.

(5)

List so made to be the Grand Jury List for High Court.

(5) Such List, so selected and transferred, shall be the Grand Jury List for the High Court for the year next after the same has been so selected. R. S. O. c. 48, s. 49; 42 V., c. 14, s. 17.

Grand Jury List for Inferior Courts to be made in like manner.

55. After the said Grand Jury List for the High Court has been so selected and transferred as aforesaid, the said Selectors shall in like manner proceed to select and transfer from the Roll of Jurors to serve as Grand Jurors in the said Inferior Courts, to a similar List in the same Book, to be called "The Grand Jury List for the Inferior Courts" for such next year, the required number of names; and the last mentioned List, so selected and transferred, shall be the Grand Jury List for the Inferior Courts for the year next after the same has been so selected as aforesaid. R. S. O. c. 48, s. 50.

And then Lists of Petit Jurors of High Court and Inferior Courts.

56. The Selectors shall in like manner proceed to select and transfer the required number of names from the Roll of Jurors to serve as Petit Jurors in the said High Court to the Petit Jury List for the High Court for such year, and lastly from the Roll of Jurors to serve as Petit Jurors in the Inferior Courts to the Petit Jury List for the Inferior Courts for such year. R. S. O. c. 48, s. 51.

Number to be selected for Jury List.

57. The number to be selected from the Jurors' Rolls for a Jury List shall be the number of Grand Jurors that the County Selectors have determined to be requisite for the year, and of Petit Jurors for the High Court and Inferior Courts respectively, the number theretofore determined to be requisite as the panels for the year by the County Selectors, with one-fourth the number thereof added thereto. 45 V. c. 8, s. 1.

Selectors may select any Jury List before previous ones transferred to Jurors' book.

58. The Selectors may select all or any of the Jury Lists before the previous ones or all of them have been transferred to the Jurors' Book. R. S. O. c. 48, s. 54.

The Chairman and Clerk of the Peace to certify books.

59. So soon as the four Jury Lists have been so selected and tranferred, the presiding Judge and Clerk of the Peace shall certify under their hands in the said book, immediately after each of such Jury Lists, that the same was on such a day duly selected from the proper Roll in open Court, as the Law directs; whereupon such Jurors' Book, with the Jury Lists so certified, shall be deposited with the said Clerk of the Peace to put upon file in his office. R. S. O. c. 48, s. 55; 45 V. c. 8, s. 2.

If Chairman absent, presiding Justice to act.

60. All the duties by this Act required of the Judge presiding at the General Sessions of the Peace, shall and may in his absence be performed by any Justice elected by the Justices present to preside as Chairman *pro tempore*. R. S. O. c. 48, s. 56.

If the Jury Lists are not so made at the time hereby appointed the Lieut.-Gov. may appoint another day for the purpose.

61. In case from any cause such Jury Lists or either of them be not selected pursuant to the provisions of this Act, in any County the Lieutenant-Governor may, by warrant under his Privy Seal, of which a copy shall be published in the *Ontario Gazette* of the Province, and also (if there be such) in one public newspaper published in such County, as the case may be, fix a day not sooner than fourteen days from the publication of the warrant in the *Ontario Gazette*, and also a place in such County for holding a special sittings of the Court of General Sessions of the Peace for the purpose of selecting such Jury Lists as hereinbefore directed; and the several provisions and clauses of this Act, relating to the sittings of such Court, in presence of which the selection of such Jury Lists is hereinbefore directed to be made, shall extend and apply to and be in force with respect to any such special sittings. R. S. O. c. 48, s. 57.

SELECTION IN THE CASE OF A SEPARATION OF UNITED COUNTIES.

Assessment Rolls, Jury Books, etc., continue valid for the Counties affected, respectively, after separation.

62. In all cases where the separation of a Junior County from a Senior County or remaining Counties takes place at any other time than upon, from and after the first day of January in each year, under the general law applicable to such separations, the Assessment Rolls, the Jurors' Books, the Jurors' Rolls and the Jury Lists, made for the United Counties, shall, for the purposes of this Act, so far as the same apply to or contain the names of persons rated for or as resident in the Senior County or remaining Counties and in the Junior County respectively, be the Assessment Rolls, Jurors' Books, Jurors' Rolls and Jury Lists, for the said respective Counties, to all intents and purposes as if the same had been made up by and for such Counties respectively. R. S. O. c. 48, s. 58.

Provision for increasing number of names on Rolls if necessary.

63. In all such cases of separation, the Court of General Sessions of the Senior County or remaining Counties, and of the Junior County, may, on the summons of the presiding Judge in case it may be necessary to increase the number of names on the Jurors' Rolls, meet at such time after the separation as may be convenient, and add such names to the Jurors' Rolls as may be considered to be expedient, and such Rolls shall be as valid, to all intents and purposes, as if the same had been made at the usual time and in the ordinary manner, under this Act. R. S. O. c. 48, s. 59.

Clerk of the Peace for Senior County to furnish copies for Junior County.

64. The Clerk of the Peace for the County which was the Senior County before the separation, having the custody of such Jurors' Books, Jurors' Rolls and Jurors' Lists, shall make and deliver copies of the same respectively, to the Clerk of the Peace of the former Junior County which has been separated, on demand made for that purpose; such copies shall be certified under the hand of the Clerk of the Peace delivering the same, as true copies of the originals, and be delivered within one

Penalty for default.

one week after such demand made, under a penalty of two hundred dollars, for the use of Her Majesty, Her Heirs and Successors. R. S. O. c. 48, s. 60.

Charges for such copies.

65. The Clerk of the Peace so receiving the same shall pay, to the Clerk of the Peace so delivering them, the like charges as he is entitled to for the like services performed for his own County and office. R. S. O. c. 48, s. 61.

JURY PROCESS.

Judges to issue precepts to the Sheriffs.

66. The Judges, Justices and others, to whom the holding of any sittings of the High Court, General Sessions of the Peace or County Court by law belongs, or some one or more of such Judges, Justices or others may for that purpose issue precepts to the Sheriff or other proper officer for the return of a competent number of Grand Jurors for cases criminal for such sittings, and of such number of Petit Jurors as the County selectors of Jurors shall have determined as the number to be drafted and returned for the trial of such issues or other matters of fact in cases criminal and civil as it may be competent to such Petit Jurors to try at such sittings, according to law.

(2) Nothing in this Act contained shall prevent such Judges, Justices or others issuing such precept or precepts, from requiring in and thereby the return of any number of Petit Jurors greater than the number so determined, if in his or their opinion the same may be required, but they shall have, possess and exercise all such rights and powers in that behalf as they had prior to the passing of this Act. 42 V., c. 14, s. 21.

Judge of County Court may order additional Jurors.

67. The Judge of the County Court for the County, after the issue of the precept to the Sheriff, may, at any time prior to the day appointed for the sittings of the High Court, if it appears to him expedient, by order under his hand and seal, and the presiding Judge may, at any time before or during the sittings of such Court, by order under his hand and seal, direct the Sheriff to return any additional number of Petit Jurors to such sittings.

(2) And the Judge of the County Court, or Chairman for the time being of the General Sessions of the Peace, after the issue of the precept, may, at any time prior to or during the sittings of the County Court or General Sessions of the Peace, by order under his hand and seal, direct the Sheriff to return an additional number of Petit Jurors to the sittings of such County Court or General Sessions of the Peace.

(3) The Sheriff shall, upon the receipt of any such order, proceed forthwith to draft such additional number of Jurors in the manner provided by this Act, and shall add their names to the panel, and shall forthwith thereafter proceed to summon them. 42 V., c. 14, s. 22.

68.

68. The number of Petit Jurors to be returned on any general precept for the return of Petit Jurors for any sittings of the High Court, General Sessions of the Peace, or County Court shall be the number determined by the County Selectors, unless by the direction of the Judges authorized or appointed to hold such sittings, or one of them, who may by order or precept, under hand and seal, direct that a greater or lesser number shall be the number to be returned, or unless the Judge of the County Court shall as hereinbefore provided otherwise order. 42 V., c. 14, s. 23.

Number of Petit Jurors to be returned.

Judge may order greater or lesser number.

69. It shall be the duty of the Registrar of the Common Pleas Division of the High Court of Justice for Ontario to procure from the Judges of the Superior Courts the several precepts for the return of panels of Grand and Petit Jurors from time to time required for the sittings of the High Court, and to transmit the same to the several Sheriffs or other officers to whom the return of such precepts severally belongs. R. S. O. c. 48, s. 63.

Registrar of C. P. Division to procure precepts for return of panels, and transmit to proper officers.

70. Where the day is not fixed by law, he shall procure the precepts as soon as conveniently may be after the commission or other day has been appointed upon which the Jurors to be returned upon the precepts are to be summoned to attend; and where the day is fixed by law, then as soon as conveniently may be after the close of the last preceding sittings of the same Courts. R. S. O. c. 48, s. 64.

Time for procuring precepts.

71. The Sheriff may return the same panels to the precepts for the return of panels of Petit Jurors for the sittings of the Court of General Sessions of the Peace and for the sittings of the County Court, in all cases where the same day is appointed for holding such respective sittings. R. S. O. c. 48, s. 65.

Sheriff may return the same panels to General Sessions and County Courts.

72. In any County in which any Justice of the High Court or of the Supreme Court of Judicature for Ontario thinks fit so to direct, the Sheriff, to whom the return of the precept for the trial of causes at Nisi Prius for such County belongs, shall empanel and summon such number of Petit Jurors, not exceeding one hundred and forty-four in any County (except the Counties of York and Wentworth or any Union of which either of those Counties is for the time being the Senior County, and in the said Counties or Unions of Counties last mentioned, not exceeding in the County of York three hundred and eighty-four, and in the County of Wentworth two hundred and sixteen), as such Justice may think fit to direct, to serve indiscriminately on the criminal and civil side.

According to the precept.

Within certain limits as to numbers.

(2) Where such Justice so directs, the Sheriff shall divide such Jurors equally into two sets, the first of which sets shall consist of the necessary number of those first drawn upon such panel, and such Jurors shall attend and serve for so many days at

Where two sets of Jurors may be summoned.

at the beginning of each sittings as such Justice, within a reasonable time before the commencement of such sittings, directs, and the Jurors of the second set shall consist of the residue of such Jurors, and such Jurors shall attend and serve for the residue of such sittings.

Names therein to be designated.

(3) The Sheriff shall in the summons to each Juror, in each of such sets, specify whether the Juror named therein is in the first or second set, and at what time the attendance of such Juror will be required.

When to be drawn from first set and second set.

(4) During the attendance and service of the first of such sets, the Juries on the civil side shall be drawn from the names of persons in that set, and during the attendance and service of the second of such sets, from the names of the persons in such second set.

If a view has been granted.

(5) In case a rule for a view has been obtained, in a cause to be tried by a Jury taken from such panel, the Judge before whom such case is to be tried, shall, on the application of the party obtaining the rule, appoint that in case the name of any one of the viewers stands in the panel among the first half of the names therein, the names of all the viewers shall by such Sheriff be placed in the first of such sets, and that the case shall be tried during the attendance and service of that set of Jurors. R. S. O. c. 48, s. 67.

The High Court may issue writs and precepts as heretofore.

73. The High Court and the Judges thereof shall respectively have the same powers and authority as heretofore in issuing any writ or precept, or in making any award or order orally or otherwise for the return of a Jury for the trial of any issue before any of the Courts, or for the amending or enlarging the panel of Jurors returned for the trial of any such issue; and the return to any such writ, precept, award or order shall be made in the manner heretofore used and accustomed, and the Jurors shall, as heretofore, be returned from the body of the County, and not from any Township or from any particular venue within the County, and shall be qualified according to this Act. R. S. O. c. 48, s. 68.

The Chancery Division may issue precepts.

74. In case a precept or order is directed to the Sheriff of any County out of the Chancery Division of the High Court, requiring such Sheriff to strike or summon a Jury for the trial of any issue or issues, such Jury shall be struck and summoned (as nearly as may be) in the same manner as is herein provided for striking and summoning Petit Jurors for the High Court in ordinary cases. R. S. O. c. 48, s. 69.

The directions for precepts, etc., at the Assizes to apply also to the General Sessions, etc.;

75. The several directions in this Act contained, respecting the issue of precepts for the return of a panel of Grand Jurors for the sittings of the High Court, as well as for the execution and return of such precepts, with all things touching the same, shall in all particulars be observed and followed with respect

to

to the sittings of the General Sessions of the Peace. R. S. O. c. 48, s. 70.

And County Courts.

76. The several directions in this Act contained respecting the issue of precepts for the return of a general panel of Petit Jurors for the sittings of the High Court, as well for the execution and return of such precepts with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of the several County Courts—except that the number of Petit Jurors to be summoned in the County of York under section seventy-two shall not exceed two hundred and eighty-eight. R. S. O. c. 48, s. 71.

If the Sheriff a party, the County Court to issue a precept to the Coroner.

77. The Judges of the County Courts respectively, if required by either plaintiff or defendant in a suit where the Sheriff is the opposing party, shall issue a precept to a Coroner of their respective Counties, at least fourteen days before the week in which the General Sessions of the Peace are to be holden, requiring him to summon, and he is hereby directed thereupon to summon the number of Jurors expressed in such precept, to be and appear at the time and place when and where the General Sessions are to be holden, on the same day on which such Sessions are generally holden, from whom a Jury shall be taken for the trial of the issue or the assessment of damages in like manner as practised in cases at Nisi Prius. R. S. O. c. 48, s. 72.

Writs of *venire facias juratores* to direct the return of twelve Jurors.

78. Every writ of *venire facias juratores*, where necessary for the trial of any issue, civil or criminal, or on any penal statute, in any of the Courts hereinbefore mentioned, shall direct the Sheriff, or other officer to whom the same is directed, "to return twelve good and lawful men of the body of his County, qualified according to law," and the rest of the writ shall proceed in the accustomed form. R. S. O. c. 48, s. 73.

What the precept shall express.

79. Every precept issued for the return of Jurors for sittings of the High Court, General Sessions of the Peace, or County Court, shall in like manner direct the Sheriff, or other officer to whom the same is directed, "to return a competent number of good and lawful men of the body of his County, qualified according to law," and shall not require the same to be returned from any Township, or from any particular *venue* within the County. R. S. O. c. 48, s. 74.

Teste, etc., of writs for the summoning of Jurors, except in special instances.

80. Except in trials at bar, the writ of *venire facias juratores*, where by law necessary, may be tested on the day on which the same issues and be made returnable on any day in Term or Vacation, and except in trials at bar, the writ of *distringas juratores* and *habeas corpora* may be tested either on the return day of the *venire* or on any subsequent day in Term or Vacation, and as well after as before or on the day appointed for

for the sittings of the Court at which the cause, in which the same is sued out, is intended to be tried, and any such process may be sued out of the office of the Deputy Clerk of the Crown and Pleas or Local Registrar of the High Court in the proper County, as well as out of the principal office at Toronto. R. S. O. c. 48, s. 75.

Contents of writs of *habeas corpora juratorum, etc.*

81. In any writ of *habeas corpora juratorum* or *distringas* subsequent to and founded upon any writ of *venire facias juratores*, it shall not be requisite to insert the names of all the Jurors contained in the panel, but it shall be sufficient to insert in the mandatory part of such writs respectively—"*the bodies of the several persons in the panel to this writ annexed, named,*" or words of the like import, and to annex to such writs respectively panels containing the same names as were returned on the panel to such *venire facias*, with their places of abode and additions. R. S. O. c. 48, s. 76.

Writs of *venire facias juratores, etc.*, not necessary at the Assizes, etc.

82. For the trial of issues in cases, whether criminal or civil, which come on in course for trial at any sittings of the High Court, General Sessions of the Peace, or County Court, it shall not be necessary to sue out any writ of *venire facias juratores* or other Jury process, but the award of such process by the Court and the entry of such award where necessary on the Roll, together with the return of a panel of Jurors upon the general precept issued for such sittings, and the trial of such issues respectively by a Jury taken from such general panel in the manner herein provided, shall be sufficient, and shall be as valid and effectual in law as if such *venire facias juratores*, or other process, had been actually and regularly sued out in each case, and the names of the Jurors had been regularly returned upon such Jury process.

Trials at bar not to be affected.

(2) Nothing in this section contained shall extend to any issue to be tried at bar, or by a Special Jury, or by a Jury *de ventre inspiciendo*, or in a case in which a view has been granted, or to any other case in which it is now necessary to sue out such writ.

Talesmen to be deemed taken from the general panel.

(3) Every Jury of which some of the Jurors have been regularly taken from such general panel shall, notwithstanding its being completed by the award of a *tales de circumstantibus*, be deemed to have been taken from such general panel for the purposes of this section.

When view is granted what Sheriff shall do on the *venire facias juratores.*

(4) To every *venire facias* directed to a Sheriff in a case in which a view has been granted, and which *venire facias* is not endorsed for the return of a Special Jury thereon, such Sheriff shall return the same Jurors as those whose names are inserted in the panel returned upon the general precept for the sittings at which such cause is to be tried. R. S. O. c. 48, s. 77.

83.

83. If, when the cause is at issue, any plaintiff or any defendant in *quare impedit* or *replevin* has sued out a writ of *venire facias* upon which a writ of *habeas corpora* or *distringas* with a *nisi prius* has issued in order to the trial of the said issue at the sittings of the High Court, and does not proceed to trial at the first sittings after the teste of such writ of *habeas corpora* or *distringas*, then (except when a view by Jurors is directed) such plaintiff, or defendant, whenever he intends to try the issue at any other sittings, shall sue forth a new writ of *venire facias*, commanding the Sheriff or other officer to return anew twelve good and lawful men of the body of the County qualified according to law, and the rest of the writ shall proceed in the accustomed manner, and such writ being duly returned, a writ of *habeas corpora* or *distringas* with a *nisi prius* shall issue thereupon, upon which the plaintiff or defendant may proceed to trial, as effectually, to all intents and purposes, as if no former writ of *venire facias* had been prosecuted in that cause, and so *toties quoties* as the case may require R. S. O. c. 48, s. 78.

What to be done if cause not tried at the first Court in which a *venire facias juratores* is returnable.

84. Nothing in this Act contained shall change or alter any privilege of Parliament or of the Provincial Legislature, or shall alter, abridge or affect any power or authority, which any Court or Judge has when this Act takes effect, or any practice or form, in regard to trials by Jury, Jury process, Juries or Jurors, except in those cases only where any such power or authority, practice or form, is repealed or altered, or is inconsistent with any of the provisions hereof. R. S. O. c. 48, s. 79.

Former powers of Court and Judges in trials by jury not abridged, unless by express provisions.

DRAFTING PANELS FROM JURY LISTS.

85. Every Sheriff or other officer to whom any writ of *venire facias* or precept for the return of Jurors is directed, shall, to such writ or precept, return a panel of the names of the Jurors contained in the proper Jury List for the year, whose names shall be drafted from such list in the manner hereinafter mentioned. R. S. O. c. 48, s. 80.

How Sheriffs to draft panels of Jurors.

86. If there be no Jurors' Book, or certified copy thereof, in existence for the year, the Sheriff may return to any such writ or precept a panel of Jurors selected in like manner from the proper Jury List in the Jurors' Book of the nearest preceding year, for which there is a Jurors' Book, or certified copy thereof, in existence. R. S. O. c. 48, s. 81.

If no Jurors' Book for the year.

87. If there be no Jurors, or not a sufficient number of such Jurors upon any Jury List from which a panel is so required to be drafted, liable to be drafted and to serve upon such panel, the Sheriff may return to the writ or precept a panel of Jurors selected in like manner, or the residue of whom respectively have been selected in like manner, from the proper Jury List in

If not a sufficient number on the lists.

in the Jurors' Book of the nearest preceding year for which there is a Jurors' Book, or certified copy thereof, in existence. R. S. O. c. 48, s. 82.

What notice Sheriffs shall give.

88. Upon any Sheriff or other officer being called upon to return a panel of Jurors, whether Grand or Petit, he shall give public written notice in his office, and also on the door of the Court House of the County, or if there be no Court House, then in some other public place, of the day and hour at which he will attend at the office of the Clerk of the Peace to draft such panel of Jurors from the Jury List, and at such time and place he shall proceed publicly to draft the panel by ballot from the Jury List in the presence of the Clerk of the Peace and any two Justices of the Peace of the County, who, upon reasonable notice from the Sheriff, are hereby required to attend, and in the presence of any other person or persons who may desire to be present; and for such services the said Justices shall each receive the sum of one dollar for each of such panels drafted, which sums shall be paid by the Treasurer, on receipt of the Sheriff's certificate that such service has been performed. R. S. O. c. 48, s. 83.

Amount to paid Justices of the Peace for each panel.

Notice to be eight days, if time admits.

89. If the Sheriff or other officer has sufficient time, he shall give every such notice at least eight days before the drafting of the panel, and if there be not sufficient time for that purpose, he shall give such notice as soon after his receipt of the precept or writ as conveniently may be. R. S. O. c. 48, s. 84.

The drafting if not completed may be returned.

90. If the drafting or completing of the panel, at the time appointed, be prevented by unavoidable accident, the same may be had or completed at any other time in the presence of the Clerk of the Peace and two Justices of the Peace upon a similar notice being first given of such time. R. S. O. c. 48, s. 85.

How Sheriff to prepare a panel.

91. In proceeding to draft a panel of Jurors from the Jury List the Sheriff or other officer to whom the return of the panel belongs, shall in the first place prepare a proper title or heading for the panel of Jurors to be returned, to which he shall fix an appropriate number according as such panel by the Jurors' Book appears to be the first, second, third or subsequent panel drafted, from such Jury List, and the title or heading shall set forth the number of Jurors to be returned in words at length, or (where such Sheriff has a discretion as to such number) the number that, in the exercise of such discretion, he has determined to return, and the number when discretionary shall not be altered after the same has been so inserted in such title or heading. R. S. O. c. 48, s. 86.

Same subject.

92. In the second place, the Sheriff, or other officer, shall append to such title or heading, a list of numbers from one forward to the number required, and shall prepare a set of ballots

ballots or pieces of parchment, card or paper of uniform and convenient size, such set containing the same number of ballots as there are numbers on the Jury List from which the panel is to be drafted, allowing one number to each ballot, which number shall be printed or written on the same, and he shall then proceed to draft the panel of Jurors in the manner hereinafter mentioned. R. S. O. c. 48, s. 87.

93. The manner of drafting the panel shall be as follows, that is to say: How panel of jurors to be drafted.

(1) The Sheriff, or other officer to whom the return of the panel belongs, shall place the ballots promiscuously in a box or urn to be procured by him for that purpose, and shall cause such box or urn to be shaken so as sufficiently to mix the ballots, and he shall then openly draw from the said box or urn indiscriminately one of the said ballots, and declare openly the number of such ballot, whereupon the Clerk of the Peace, or one of the Justices of the Peace, present as aforesaid at such drawing shall immediately declare aloud the name to which such number is appended in the Jury List from which the panel is drafted ;

(2) And thereupon, if such person is exempt from being drafted or serving upon such panel, under the sixth section of this Act, or if upon the face of such Jury List it appears that the person whose number has been so drafted had previously been drafted to serve on a panel drafted from such Jury List in obedience to a precept for the return of a general panel for any Sittings of the High Court, General Sessions of the Peace, or County Court, and that such person had actually attended and served upon such panel, and if a sufficient number of names to complete the panel, then in course of being drafted, remain on such Jury List without taking any of those who had been previously drafted from the same list upon any former panel the Sheriff shall publicly announce the same, and that the name of the person so drafted is, on such account, not inserted in the panel ; Same subject.

(3) If upon examination of such Jury List no such cause appears for omitting the name of such person from the panel then being drafted, the name and addition of the person whose name has been so drafted shall be thereupon written down on a sheet of paper provided for that purpose, and such name shall, by the said Sheriff, or other officer, be thereupon marked on the said Jury List, with a reference to the number which will belong to such panel in the Jurors Book ; Same subject.

(4) The Sheriff shall then proceed in like manner to draft and dispose of other numbers from the said box or urn, until the necessary number for the panel to be so drafted has been completed ; Same subject.

(5)

Same subject.

(5) The names so drafted, with the places of residence and additions of the parties, arranged alphabetically, shall then, by such Sheriff, or other officer, be transcribed on another sheet of paper, with a reference to the number of each such name respectively on the Jury List, and each such name shall, by the said Sheriff or other officer, or his Deputy, be thereupon marked upon the said Jury List, with a reference to the number which belongs to such name in the panel in the Jurors' Book;

Same subject.

(6) The panel so alphabetically arranged and numbered, with a short statement of the writ or precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the Sheriff, or other officer or his Deputy, and of the Clerk of the Peace and Justices of the Peace, present at such drafting, or of at least two of them, shall then be fairly entered in the said Jurors' Book, and attested by the signatures of such Sheriff, or other officer or his Deputy, and of the said Clerk of the Peace and the said Justices, or at least two of them. R. S. O. c. 48, s. 88.

The panel to be annexed to the writ or precept, and a copy sent to the Registrar of the Common Pleas or to the proper Deputy Clerk of the Crown or local Registrar.

94. The said Sheriff shall, upon his return of the writ of *venire facias*, or precept, under authority of which such panel has been drafted, annex a panel to the said writ or precept, containing the names, together with the places of abode and additions of the persons so drafted upon such panel, and shall transmit one copy thereof to the office of the Clerk of the Peace of the proper County, and another to the Registrar of the Common Pleas Division of the High Court of Justice for Ontario at Toronto, or to the Deputy Clerk of the Crown, or Local Registrar, as the case may be. R. S. O. c. 48, s. 89.

Copies, Jurors' Books, etc., to be open to inspection.

95. Each of such copies, as well as the Jurors' Book, shall at all reasonable times be open to inspection by litigants or their professional agents, without fee or reward. R. S. O. c. 48, s. 90.

SUMMONING JURORS.

Jurors to be summoned, eight days.

96. The proper officer shall summon every man bound to serve on Grand Juries or on Petit Juries, not being Special Juries, in any of the Courts aforesaid, eight days at least before the day on which the Juror is to attend, by delivering to him, or in case of his absence from the usual place of his abode, by leaving with some grown person there inhabiting, a note in writing under the hand of the Sheriff, or other proper officer, containing the substance of such summons. But when the Sheriff shall be directed to draft and summon additional Jurors under the provisions of this Act, such eight days service shall not be necessary. R. S. O. c. 48, s. 91; 42 V., c. 14, s. 24.

Special Jurors to be summoned, three days.

97. The proper officer shall summon every man to serve on Special Juries in any of the Courts aforesaid, in the like manner

ner as aforesaid, three days at the least before the day on which the Special Juror is to attend; which last mentioned day may be upon, or any day after, the first day of the sittings at which the cause is to be tried. R. S. O. c. 48, s. 92.

The Judges may make rules for calling on Special Jury cases for trial.

98. The Judges of the different Courts may, by any General Rules to be made by them for that purpose, make such regulations as they deem expedient for regulating the time and manner of bringing on such Special Jury trials. R. S. O. c. 48, s. 93.

The proper officer to summon Jurors whenever required.

99. The proper officer, notwithstanding anything in this Act contained, shall summon, in the manner heretofore used and accustomed, every person required to serve upon any inquest or inquiry before any Coroner, or before any Commissioners appointed under the Great Seal of this Province, or under the seal of the Supreme Court of Judicature or under the seal of any Division of the High Court, or to serve as a talesman upon any Jury either for the trial of an issue, or assessment of damages, in any of the Courts aforesaid, or any matron to serve on a Jury *de ventre inspiciendo*. R. S. O. c. 48, s. 95.

Sheriff indemnified for returning unqualified persons, if in the Rolls of Jurors.

100. Every Sheriff and other officer to whom the return of Jurors belongs, is hereby indemnified for empanelling and returning any person as a Grand or Petit Juror named in or taken from the Grand or Petit Jurors' Rolls for the year in which he has been summoned, although such person may not have been qualified or liable to serve as such Juror for such year. R. S. O. c. 48, s. 95.

JURORS, WHEN SUMMONED BY CORONERS, ELISORS, ETC.

How Jurors to be summoned by Coroners and Elisors.

101. The manner of drafting and striking, returning and summoning Jurors by the Sheriff upon writs of *venire facias juratores*, as prescribed by this Act, shall be observed and followed by all Coroners, Elisors, and other officers having the return of Jury process, and they shall for such purpose have free access at all reasonable times to the Jurors' Book in the office of the Clerk of the Peace of the proper County; and every such Coroner, Elisor, and other officer shall possess all the powers and perform all the duties in any way connected with the drafting, striking, returning, and summoning such Jurors, as in and by this Act are prescribed to or vested in the Sheriffs of the different Counties, with respect to Jurors returned by them upon similar process. R. S. O. c. 48, s. 96.

EMPANELLING THE GRAND JURY.

How Grand Jurors to be empanelled if a sufficient

102. Where there do not appear as many as twelve of the Grand Jurors summoned upon a panel returned upon any precept to any Court of criminal jurisdiction, every such Court,

number do not appear.

upon request made for the Queen by Her Attorney General, or any of her Counsel learned in the Law, or, in their absence, by the County Crown Attorney, or by any one thereto authorized or assigned by such Court, shall command the Sheriff or other officer to whom the making of the return belongs, to name and appoint so many of such other able men of the County, as the case may be, then present, as will make up a Grand Inquest of twelve, and the Sheriff, or other officer, aforesaid, shall, at such command of the Court, return such duly qualified men as are present or can be found, to serve on such Grand Inquest, and shall add and annex their names to the panel returned upon such precept; and the Court shall proceed with those Grand Jurors who were before empanelled, together with the talesmen so newly added and annexed, as if all the said Jurors had been originally returned upon such precept. R. S. O. c. 48, s. 97.

DRAWING JURY AT TRIAL.

Empanelling Jury at the trial.

103. The name of each man summoned and empanelled as a Petit Juror upon the general precept for any sitting of the High Court, General Sessions of the Peace or County Court, with his place of abode and addition, shall by the Sheriff be written distinctly on a piece of parchment, card or paper, as nearly as may be of the form and size following, viz.:

DAVID BOOTHE,

of Lot No. 11, in the 7th Con. of Albion,

MERCHANT.

and such names so written shall, by the direction and care of such Sheriff, be put together in a box or urn to be by him provided for that purpose, and shall be by him delivered to the Clerk of such Court. R. S. O. c. 48, s. 98.

How the Clerk is to proceed.

Drawing names from the box, etc.

104. Where any issue is brought on to be tried, or damages are to be assessed, such Clerk shall, in open Court, cause such box or urn to be shaken so as sufficiently to mix the names, and then draw out twelve of the parchments, cards or papers one after another (causing the box or urn to be shaken after the drawing of each name), and if any of the Jurors whose names are so drawn do not appear or are challenged and set aside, then such further number, until twelve Jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and

and the first twelve Jurors so drawn appearing and approved as indifferent, their names being noted in the minute book of the Clerk of the Court, shall be sworn or affirmed (as the case may be), and shall be the Jury to try the issue, or to assess the damages. R. S. O. c. 48, s. 99 (1).

Names drawn to be kept apart, etc.

(2) The names of the men so drawn and sworn shall be kept apart by themselves until the Jury have given in their verdict, and the same has been recorded, or until such Jury have been by consent of the parties, or by leave of the Court, discharged, and then the same names shall be returned to the box or urn, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried, or any damages remain to be assessed. R. S. O. c. 48, s. 99 (2).

If another Jury is required before the last drawn have brought in their verdict.

105. If any issue is brought on to be tried, or damages to be assessed at any of the said sittings before the Jury in any other cause have brought in their verdict, or been discharged, the Court may order twelve of the residue of the said parchments, cards or papers (not containing the names of any of the Jurors who have not brought in their verdict or been discharged) to be drawn in the manner last aforesaid, for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be. R. S. O. c. 48, s. 100.

Several causes may be tried in succession by the same Jury.

106. Notwithstanding the two last preceding sections, where no objection is made on the part of the Queen, or any other party, the Court may try any issue or assess damages with the Jury previously drawn to try any other issue, or to assess damages without their names being returned to the box or urn, and redrawn, or may order to retire any of such Jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the Court and may cause another name or other names to be drawn from the box or urn, and shall try the issue or assess the damages with the residue of the original Jury and such new Jurors who appear and are approved as indifferent, and so *toties quoties* as long as any issue remains to be tried or any damages remain to be assessed. R. S. O. c. 48, s. 101.

If a full Jury do not appear, a *tales* may be granted.

107. Where a full Jury does not appear at any sittings of the High Court, or at any sittings of any County Court for the trial of issues or assessment of damages, or where, after the appearance of a full Jury, by challenge of any of the parties, the Jury is likely to remain untaken for default of Jurors, every such Court, upon request made for the Queen by any one thereto authorized or assigned by the Courts, or on request made by the parties plaintiff or defendant, or their respective attorneys, in any action or suit, shall command the Sheriff or other officer to whom the making of the return belongs, to name and appoint, as often as need requires

requires, so many of such other able men, of the County, as the case may be, then present, as will make up a full Jury, and the Sheriff or other officer aforesaid shall, at such command of the Court, return such duly qualified men as may be present, or can be found, to serve on such Jury, and shall add and annex their names to any panel that has been returned upon any precept or *venire facias*, in such cause. R. S. O. c. 48, s. 102.

ENTRY OF SERVICE OF JURORS.

The Sheriff to keep a record of Jurors who serve.

108. Immediately after the Sittings of the High Court or of the General Sessions of the Peace, or County Court, the Sheriff shall, on the Jury List from which the panel of Grand Jurors (if any) returned to such Sittings was drafted, and on the Jury List from which the panel of Petit Jurors returned upon the general precept to such Sittings was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all the Jurors in such panels who have not duly attended and served upon such panels until discharged by the Court. R. S. O. c. 48, s. 103.

CHALLENGES.

The want of qualification a good ground of challenge.

Not the want of freehold.

109. If any man not duly qualified be returned as a Juror for the trial of any issue in any cause, civil or criminal, or on any penal statute, the want of such qualification shall be a good cause of challenge, and he shall be discharged upon such challenge if the Court is satisfied of the fact; but the want of a sufficient property qualification shall not, at the trial of any such case, be a good cause of challenge, either by the Crown or by the party, nor a cause for discharging the Juror upon his own application. R. S. O. c. 48, s. 105, part.

Not to extend to Special Jurors.

110. Nothing in the preceding section contained shall extend in any wise to any Special Juror. R. S. O. c. 48, s. 105, part.

In civil cases each party may challenge four peremptorily.

111. In any civil case, and any case upon penal statute each party, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may, on each side, except in the case of Special Jurors, challenge peremptorily, without assigning any cause for the same, any four of the Jurors drawn to serve on the trial of the cause; and the right of challenge hereby conferred shall extend to the Crown, when a party within the meaning of this section; but this shall not be construed to affect the right of the Crown to cause a Juror to stand aside until the panel has been gone through. R. S. O. c. 48, s. 106; 45 V. c. 8, s. 4.

That a Juror affirms no cause of challenge.

112. It shall not be a good ground of challenge against any person called upon to serve as a Juror that he belongs to any religious persuasion or denomination allowed by law to affirm

affirm instead of taking an oath, but every such person shall be as eligible and liable to serve on all Juries and inquests on his being affirmed, as if he had been sworn in the usual way. R. S. O. c. 48, s. 107.

SPECIAL JURIES.

Either party may strike a Special Jury.

113. Her Majesty, or any prosecutor, relator, or plaintiff, and any defendant in any case whatever, whether civil or criminal, or on any penal statute, excepting only on indictments for treason or felony, may in any such case triable by a Jury have the issue joined tried by a Special Jury upon suing out the necessary Jury Process for that purpose, and procuring such Special Jury to be struck and duly summoned for the day on which the trial of such case is to be had, and every Jury so struck shall be the Jury returned for the trial of such issue. R. S. O. c. 48, s. 108.

New trial in Special Jury cases.

114. In the event of a new trial being ordered in any case after the verdict of a Special Jury, the *venire facias juratores* shall set forth the names of the Jurors who sat on the first trial of such cause, or in the event of more trials than one having been previously had, the names of all Jurors who sat upon any of such trials, and none of the Jurors who so sat on any such former trial shall be returned or sit as Jurors upon any subsequent trial of the same cause. R. S. O. c. 48, s. 109.

The party requiring a Special Jury may sue out a writ of *venire facias juratores*.

115. In every case the party desiring a Special Jury to be struck, whether an actor in the cause or not, shall have a right in person, or by his attorney or agent, to sue out a writ of *venire facias juratores* for that purpose, and every such writ before being delivered to the Sheriff or other officer, to whom it is directed, shall be endorsed with a direction to such Sheriff or other officer, requiring him to return a Special Jury on the same, and every such Sheriff, or other officer, upon receipt thereof, shall, by a memorandum in writing upon such writ, appoint some convenient day and hour for striking such Special Jury, the day and hour so fixed being sufficiently distant to enable the party suing out the said *venire*, to give the necessary notice to the opposite party. R. S. O. c. 48, s. 110.

Such party to give notice to the opposite party.

116. In any such case the party, his attorney or agent, suing out such *venire facias*, shall give notice in writing to the opposite party, his attorney or agent, that he has sued out a *venire facias*, in the cause, for the purpose of having a Special Jury struck therein, and of the day and hour appointed by the Sheriff or other officer for striking the same, and such notice shall be served on such opposite party, his attorney or agent, four full days before the day so appointed, and an affidavit or affirmation of such service, or an admission in writing under the hand of the attorney or agent on whom it has been served, shall be produced to the Sheriff or other officer, at the time appointed

pointed for striking such Special Jury, and in default thereof the Sheriff or other officer, shall not proceed to strike the Special Jury upon such appointment. R. S. O. c. 48, s. 111.

Qualifications of Special Juries to be struck under the 113th section.

117. Every Special Jury to be struck under the authority of the one hundred and thirteenth section of this Act shall, except as hereinafter provided, consist solely of persons whose names appear on the Roll of Grand Jurors for the High Court or on the Roll of Grand Jurors for the Inferior Courts for the year in which the writ of *venire facias* is returnable. R. S. O. c. 48, s. 112.

How a Special Jury is to be struck.

118. Every such Special Jury shall be struck in the following manner, that is to say :

Ballots to be prepared.

(1) The Sheriff shall provide a set of ballots or pieces of parchment, card or paper, of as uniform and convenient a size as reasonably may be, and containing the same number of ballots as there are numbers on the respective Grand Jurors' Rolls from which the said Special Jury is to be struck, and the whole of the numbers of such Grand Jurors' Rolls, shall be printed or written, upon such ballots respectively, allowing one number to each ballot, and distinguishing each number by the letters H. C. or I. C. according as it belongs to the Roll of Grand Jurors for the High Court, or to the Roll of Grand Jurors for the Inferior Courts ;

Drawing Jurors.

(2) At the office of the Clerk of the Peace, at the time appointed for such purpose, in the presence of all the parties in the case and of their attorneys and agents (if they respectively attend, or if none of the said parties, their attorneys or agents, attend, then upon such proof as is hereinbefore provided of the service of the notice of striking such Special Jury,) the Sheriff shall put all the said ballots in the box or urn, and after having caused the said box or urn to be shaken so as sufficently to mix the said ballots, he shall draw out of the said box or urn forty of the said numbers, one after another, and shall, as each number is drawn, refer to the corresponding number in the Grand Jurors' Roll to which such ballot belongs, and read aloud the name to which such number is appended in said Roll ;

Objection to Jurors drawn.

(3) If at the time of so reading any such name, either party or his attorney or agent, objects that the man whose name has been so drawn is in any manner incapacitated from serving on the said Jury, and also then and there proves the same to the satisfaction of such Sheriff, the name shall be set aside, and the said Sheriff shall instead thereof draw out of the said box or urn another number, and shall in like manner refer to the corresponding number in the Grand Jurors' Roll to which such ballot belongs, and read aloud the name to which such number is appended in the said Roll, and such name may be in like manner set aside, and other numbers and names be drawn according

according to the mode of proceeding hereinbefore described for the purpose of supplying names in the places of those set aside until the whole number of forty names not liable to be set aside is completed ;

If forty names cannot be obtained.

(4) If in any case it so happens that the whole number of forty names cannot be obtained from the said Grand Jurors' Rolls, the Sheriff shall, in like manner from the Grand Jurors' Rolls in the Jurors' Book of the nearest year for which there is a Jurors' Book or certified copy thereof in the office of the Clerk of the Peace, ballot, in addition to those already taken from the first mentioned Grand Jurors' Rolls, the number of names required to make up the full number of forty names ;

Sheriff to make lists.

Striking out.

(5) The said Sheriff shall thereupon make out a list of the forty names, together with their respective places of abode and additions, from which list, after a reasonable time allowed in the discretion of such Sheriff for inquiry and consideration respecting the same, each party, his attorney or agent, shall strike out twelve names, such names being so struck out by parties one by one alternately, the party suing out the *venire facias* commencing ;

The sixteen Jurors to be summoned.

(6) The Sheriff shall return upon such *venire facias* the sixteen persons whose names remain on such list, to appear on the day appointed for the trial of such cause ;

How Special Juries formed.

(7) From such sixteen persons, or so many of them as appear in obedience to the summons, a Special Jury for the trial of the cause shall be taken by ballot in the manner hereinbefore by the one hundred and fourth section of this Act prescribed for the drawing of Petit Jurors from the general panel therein mentioned. R. S. O. c. 48, s. 113.

How to proceed if either party fails to attend.

119. If any of the parties in the cause neglects to attend in person or by attorney or agent, at the striking of the Special Jury, the Sheriff, upon production of the affidavit, affirmation, or admission of service of the notice as aforesaid, and after waiting at least half an hour for the absent party, shall, if requested by the other party, his attorney or agent, proceed to strike the Special Jury, and in case of the continued absence of such first mentioned party, the Sheriff shall, on his behalf, strike out of the said list the twelve names to be, by such party, struck out of the list as aforesaid. R. S. O. c. 48, s. 114.

Parties issuing writ of *ven. fac.* to deposit certain expenses of Jurors with Sheriff.

120. Immediately after the striking of such Special Jury, the Sheriff, or other officer charged with the execution of the writ of *venire facias juratores*, shall certify the sum required to pay the attendance of such Jurors for three days, and the allowance for mileage and Sheriff's fees ; and the party suing out the said writ shall deposit with the said sheriff or other officer the sum so certified as sufficient to pay such expenses as aforesaid, but nothing herein contained shall limit the payment required to be made to such Jurors to the sum so deposited. R. S. O. c. 48, s. 115.

121.

How if the Chancery Division directs a trial by Special Jury.

121. In case the Chancery Division of the High Court directs any issue or issues to be tried by a Special Jury, such Special Jury shall be struck and summoned in (as nearly as may be) the manner herein provided. R. S. O. c. 48, s. 116.

JURIES OF MERCHANTS, ETC.

In what cases Juries of Merchants may be had.

122. In suits between:

(*a*) Merchant and Merchant; or

(*b*) Trader and Trader; or

(*c*) Merchant and Trader, involving one or more questions of mercantile considerations; and

(2) In suits between:

(*a*) Manufacturer and Manufacturer; or

(*b*) Mechanic and Mechanic; or

(*c*) Manufacturer and Mechanic, involving one or more questions of Mechanical or scientific consideration; and

(3) In suits between any of the former and any of the latter involving one or more of any of such questions; and

(4) In suits between any other persons involving one or more questions of scientific consideration;

In what cases the Court may order a Special Jury, with or without consent of parties.

The High Court, or any Judge thereof, without consent of parties in all but the last mentioned case, numbered four, and with consent of parties in the last mentioned case, may order and direct any such cause to be tried by a Special Jury of men belonging to the appropriate kind or kinds of business as aforesaid, or of scientific men respectively, as the case may be; but any such rule not made with the consent of parties, shall be made only upon a rule to shew cause or summons upon which the adverse party has had the usual opportunity of being heard as in other cases. R. S. O. c. 48, s. 117.

Contents of the order for such Jury. To be struck by Elisors.

123. In every rule for striking any such Special Jury, it shall be ordered that such Special Jury shall be struck, and the names of the Special Jurors be certified to the Sheriff by three Elisors to be appointed in writing by endorsement upon such rule, one by the plaintiff in the cause, his attorney or agent, another by the defendant, his attorney or agent, and the third by the Registrar of the Division of the High Court or Deputy Clerk of the Crown and Pleas or Local Registrar in which the cause is pending, or in case of such Elisors disagreeing, then by the majority of such Elisors, all three being present. R. S. O. c. 48, s. 118.

The Sheriff to summon.

124. The Sheriff upon the *venire facias* in such cause shall return and summon the persons whom such Elisors, or the

the majority of them, certify to him to have been struck as Special Jurors for the trial of the same. R. S. O. c. 48, s. 119.

How writ of *venire facias* to be enforced.

125. The endorsement to return a Special Jury on the *venire facias* in every such cause, shall direct the Sheriff to return a Special Jury of men of the appropriate kind of business as aforesaid, or of scientific men as the case may be, pursuant to such certificate as he may receive from the Elisors (naming them) or a majority of them in that behalf appointed by such rule. R. S. O. c. 48, s. 120.

How such Special Juries are to be struck.

126. Every such Special Jury shall be struck in the following manner, that is to say:

Appointment of a day.

(1) The three Elisors, or a majority of them, upon the delivery to them of a copy of the rule for such Special Jury and of the *venire facias* for the return of such Jury, shall, at the request of either of the parties in such cause, make an appointment in writing of a day, hour and place for striking such Special Jury as by the one hundred and fifteenth section of this Act is provided with respect to other Special Juries.

List of qualified persons.

(2) Upon notice of such appointment being served upon the opposite party, and such service being proved as in the said section is provided with respect to other Special Juries, the said Elisors shall, at the time and place so appointed, and after waiting the time prescribed by the one hundred and nineteenth section, proceed to make a list of the names and additions of all the persons whose names appear on any of the Jurors' Rolls for the year in which such *venire facias* is returnable, and who in their judgment come within the description of persons required to be struck on such Jury according to the exigency of the rule.

If there be not forty qualified.

(3) If there are not forty of such persons found upon such Rolls, and if the said Elisors, or the majority of them know of a sufficient number of persons answering the description within the County, whether such persons are otherwise qualified and liable to serve, or exempt from serving as Jurors or not, provided they are not persons disqualified from any of the causes set forth in the tenth section of this Act, the said Elisors, or a majority of them, shall add to the list the names and additions of a sufficient number of such persons to complete the same to forty names.

If more than forty.

(4) If there are the names of more than forty such persons on such Rolls, the said Elisors, or the majority of them, from the names of all persons on such Rolls who answer such description shall, in the manner prescribed by the one hundred and eighteenth section of this Act for the striking other Special Juries, select forty of such names.

(5)

Reducing the list.

(5) The list of such forty names being thus completed, the same shall be reduced in the same manner as hereinbefore by the said one hundred and eighteenth section provided with respect to other Special Juries.

Names of the sixteen Jurors to be certified to parties.

(6) The said Elisors shall thereupon give a certificate to each of the parties to the suit, their attorney or agent, certifying the names and additions of the sixteen persons whose names remain upon the list.

What exemptions shall not excuse.

(7) Every person so struck on any such Special Jury shall be liable to serve on the same, although exempted from serving upon Juries by the general provisions of the sixth and seventh sections of this Act.

Return and summons.

(8) The Sheriff or other officer to whom the *venire facias* is directed shall, upon receipt of either of such certificates, return and summon such sixteen persons accordingly.

Striking Jury.

(9) From the sixteen persons so returned shall be selected the Jury to try such cause, in the same way and under and subject to the like restrictions as by the one hundred and eighteenth section of this Act is enacted with respect to other Special Juries. R. S. O. c. 48, s. 121.

In Special Jury cases, talesmen to be taken from the general panel.

127. In case a Special Jury has been struck for the trial of any issue, the talesmen, if any be required, shall be selected from the Jurors empanelled upon the Common Jury panel to serve at the same Court if a sufficient number of such men can be found, and the Queen, by any one duly authorized or assigned, and every party shall, in every such case, have and may exercise their respective challenges to the talesmen so added, and the Court shall proceed to the trial of every such issue with those Jurors who were before empanelled, together with the talesmen so newly added and annexed, as if all the said Jurors had been returned upon the writ or precept awarded to try the issue. R. S. O. c. 48, s. 122.

The same Special Jury may try several such cases—when.

128. Nothing herein contained shall prevent the same Special Jury, however nominated, from being summoned and returned, to try any number of causes, provided the parties respectively, or their attorneys, signify in writing to the Sheriff or other officer to whom the return of Juries in such cases belongs, their assent to the nomination and return of such Special Jury for the trial of their respective cases; but if a Juror has served upon one or more Special Juries at the same sittings, the Court may, upon his application, discharge him from serving upon any other Special Jury during the same sittings. R. S. O. c. 48, s. 123.

COSTS OF SPECIAL JURIES.

The party who sues out the writ, to pay

129. The party who sues out a *venire facias* for a Special Jury in any cause, shall pay the fees for striking such Special Jury,

Jury, the fees of the Jurors, and all the expenses occasioned by the trial of the cause by such Special Jury, and shall not have any further or other allowance for the same upon taxation of costs than if the cause had been tried by a Common Jury, unless the Judge who tried the case certifies under his hand, in open Court, immediately after the verdict, or afterwards, upon notice at Chambers, that the same was a cause proper to be tried by a Special Jury. R. S. O. c. 48, s. 124. fees of striking, etc.

130. If, for any reason, any cause in which a Special Jury has been summoned be not tried, the party who sued out the *venire facias* for such Special Jury shall not have any further or other allowance for the same, upon taxation of costs, than if such Jury had not been summoned, unless a Judge, upon cause shewn, certifies under his hand that the same was a cause in which it was reasonable that a Special Jury should be summoned. R. S. O. c. 48, s. 125. Costs where Special Jury has been summoned but the cause not tried by them.

VIEW BY JURORS.

131. Where in any civil case, or any case on a penal statute now pending or hereafter to be brought in the High Court, and relating to matters within the legislative authority of the Province, it appears to such Court or to any Judge thereof in Vacation, that it will be proper and necessary that the Jurors, or some of them, who are to try the issues in such case, should have a view of the place in question in order to their better understanding the evidence that may be given upon the trial of such issues, whether such place be situate within the County or United Counties in which the venue is laid, or without such County or United Counties, in any other County, such Court or Judge may order a rule to be drawn up containing the usual terms, and, if such Court or Judge thinks fit, also requiring the party applying for the view to deposit in the hands of the Sheriff of the County or United Counties in which the venue in any such case is laid, a sum of money to be named in the rule, for payment of the expenses of the view. R. S. O. c. 48, s. 126. Court may order a view out of the County in which the venue is laid. Rule. Deposit by party requiring view.

[*Section* 1 *of* 29-30 *V., c.* 46, *is as follows*:—

(1) When any case, either civil or criminal, or on any penal statute, now pending or hereafter to be brought in either of Her Majesty's Superior Courts of Common Law at Toronto, it appears to such Court or to any Judge thereof in vacation, that it will be proper and necessary that the Jurors, or some of them, who are to try the issues in such case, should have a view of the place in question in order to their better understanding the evidence that may be given upon the trial of such issues, whether such place be situate within the County or United Counties in which the venue in any such case is laid, or without such County or United Counties, in any other County in Upper Canada, such Court or Judge in vacation may order a rule to be drawn up containing the usual terms, and, if such Court or Judge thinks fit, also requiring the party Court may order a view out of the County in which the venue is laid. Rule.

Deposit by party requiring view,

party applying for the view to deposit in the hands of the Sheriff of the County or United Counties in which the venue in any such case is laid, a sum of money to be named in the rule, for payment of the expenses of the view.]

Writ therefor.

132. Such rule shall also command special writs of *venire facias* and *distringas* to issue, to the Sheriff or other officer, to whom the said writs are to be directed, commanding him to have six or more of the Jurors named in such writs, or in the panels thereunto annexed (who are mutually consented to by the parties, or if they cannot agree, are drawn by ballot from such panels), at the place in question, some convenient time before the trial. R. S. O. c. 48, s. 127.

Locus in quo to be shewn to the viewers.

133. The viewers shall, then and there, have the place in question shewn to them by two persons in the said writs named to be appointed by the Court or Judge; and the said Sheriff, or officer who is to execute such writs, shall, by a special return thereto, certify that the view has been had according to the command of the same, and shall specify the names of the viewers. R. S. O. c. 48, s. 128.

How the viewers shall be selected.

134. Where the parties in any such case do not agree as to the Jurors to be nominated to take the view, the viewers shall, by the Sheriff or other officer to whom the *venire facias juratores* in such case is directed, be drawn by ballot from the panel returned upon such *venire facias*, at some time and place to be appointed by the Sheriff or other officer for that purpose, in the like manner as by the one hundred and third and one hundred and fourth sections of this Act is provided for drawing Juries from the general panel at a sittings of the High Court; but no such Sheriff or other officer shall proceed to draw such viewers from such panel without having first given at least forty-eight hours' notice in writing to the respective parties in the suit, of the day, hour and place of such drawing. R. S. O. c. 48, s. 129.

The viewers to be the first sworn on the Jury.

135. Where a view has been allowed in any case, those men who have had the view, or such of them as appear upon the Jury to try the issue, shall be first sworn, and so many only shall be added to the viewers who appear, as after all defaults and challenges allowed, make up a full Jury of twelve. R. S. O. c. 48, s. 130.

Duties of Sheriffs, etc., in such cases.

136. All the duties and obligations now imposed by law on the several Sheriffs and other persons when the place to be viewed is situate in the County or United Counties in which the venue is laid, shall be imposed upon and attach to such Sheriffs and other persons when the place to be viewed is situate out of the County or United Counties in which the venue is laid. R. S. O. c. 48, s. 131.

137.

MISCELLANEOUS PROVISIONS.

137. The duties by this Act required of the Sheriffs of the different Counties, and those also required of the Clerks of the Peace, may be performed either by the principal officer himself, or by his Deputy. R. S. O. c. 48, s. 132.

The duties of Sheriffs may be performed personally or by Deputy.

138. No omission to observe the directions in this Act contained, or any of them, as respects the qualification, selection, balloting, and distribution of Jurors, the preparation of the Jurors' Book, the selecting Jury Lists, from the Jurors' Rolls, the drafting panels from the Jury Lists, or the striking of Special Juries, shall be a ground of impeaching the verdict or judgment rendered in any civil case by any Court in Ontario. R. S. O. c. 48, s. 133. C. S. U. C. c. 31, s. 139.

Omissions to observe the directions of this Act, not to vitiate the verdict.

[*Section* 139 *of C. S. U. C. c.* 31, *is as follows:*

139. No omission to observe the directions in this Act contained, or any of them, as respects the qualification, selection, balloting and distribution of Jurors, the preparation of the Jurors' Book, the selecting Jury Lists from the Jurors' Rolls, the drafting Panels from the Jury Lists, or the striking of Special Juries, shall be a ground of impeaching the verdict in any cause, or be allowed for error upon any Writ of Error or Appeal to be brought upon any judgment rendered in any case, criminal or civil, by any Court in Upper Canada.]

Omission to observe the directions of this Act not to vitiate the verdict, etc.

139. No man shall be liable to be summoned or empanelled to serve as a Juror in any County, City or Town, upon any inquest or enquiry to be taken or made by or before any Commissioners appointed under the Great Seal of the Province, or the seal of any Court in Ontario having general jurisdiction throughout the same, or having general jurisdiction throughout any County of the same, unless the name of such person appears upon one or other of the Jurors' Rolls for the year in which such person is called upon to serve on such inquest or enquiry. R. S. O. c. 48, s. 134.

No person to be summoned on Juries whose name is not on the Roll of Jurors.

SHERIFFS' AND CORONERS' JURIES.

140. Nothing in the next preceding section contained shall extend to any inquest to be taken by or before the Coroner of any County, Union of Counties, City or Town by virtue of his office, or to any inquest or inquiry, to be taken or made by or before any Sheriff, Coroner, or High Bailiff of any County, City or Town, but the Sheriffs, Coroners and High Bailiffs aforesaid, in all such Counties, Cities and Towns shall respectively take and make all inquests and enquiries by Jurors of the same description as they were used and accustomed to do before the passing of this Act. R. S. O. c. 48, s. 135.

Except on Coroners' Juries, etc.

JURIES *DE VENTRE INSPICIENDO*.

141. Nothing herein contained shall extend to any Jury of matrons, or to any writ *de ventre inspiciendo*. R. S. O. c. 48, s. 136.

As to Juries of matrons.

FEES

FEES OF JURORS.

Jurors' fees and mileage.

142. Every Grand Juror actually attending any Sittings of the High Court or at the General Sessions of the Peace, and every Petit Juryman actually attending any Sittings of the High Court or of the General Sessions of the Peace, or County Courts shall be entitled to receive in manner hereinafter provided, the sum of one dollar and fifty cents per day for every day he attends such Court, and the sum of ten cents per mile for every mile he necessarily travels from his place of residence to the said Court, and such additional sum, if any, as the County Council may, by by-law, from time to time fix and determine; and the distance travelled shall be ascertained by the declaration of the Sheriff's Bailiff who summoned such Juror, or by the declaration of the Juror himself; but every Juror who makes a false declaration respecting such distance, shall forfeit his right to receive any payment for travelling to or attending such Court as a Juror. R. S. O. c. 48, s. 137.

Fees allowed.

143. No Petit Juror shall be entitled to any fee or allowance other than is provided by or under this Act. R. S. O. c. 48, s. 138.

Sheriff to make a pay list for Petit Jurors.

144. Every Sheriff shall make a pay list for the Petit Jurors summoned to attend any of the aforesaid Courts in the form of Schedule C to this Act, and shall attend or cause some officer to attend at the opening of the Court, on the morning of every day on which such Court sits for the trial of causes by Jury, and upon the Petit Jurors being called over, shall check and mark the word "present," or "absent," as the case may be, in the proper column of such list opposite the name of every such Juror, and on the last day of the sitting of such Court shall certify and return the said pay list to the Treasurer of the County. R. S. O c. 48, s. 139.

Treasurer to pay the Jurors.

145. The said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Petit Juror the sum to which he appears entitled, as certified by such list, and the Treasurer shall forthwith pay every such Juror the sum so appearing to be due to him on such list. R. S. O. c. 48, s. 140.

Allowance to Sheriffs.

146. Every Sheriff shall be entitled to receive from the Treasurer of the County of which he is Sheriff, such sum for each pay list, and such sum per diem for checking the same every day at the opening of the Court, and for certifying and returning the same to the Treasurer, as the County Council by by-law determines; and for the purposes of the payment of Jurors, the County Court and General Sessions shall be one Court, and the duty of calling over Jurors at the opening of the Court daily, shall be performed by the Clerk of whichever of the said Courts respectively is first opened. R. S. O. c. 48, s. 141.

147.

List of Jurors to be called over daily when Court opens.

147. The Marshal or Clerk of the Court, or Clerk of the Peace, as the case may be, shall, at the opening of the Court, and before any other business is proceeded with, call over the names of the Petit Jurors, so that the Sheriff or his officer may check off those who are present or absent. R. S. O. c. 48, s. 142.

Jurors not attending to be fined.

148. A Petit Juror not appearing when so called, shall not be entitled to any pay for the day on which he makes default, and every Petit Juror for each default he makes during the day, shall be liable to such a fine as to the Court seems meet. R. S. O. c. 48, s. 143.

Fees and mileage of Special Jurors in civil causes.

149. There shall be paid to every Special Juror summoned upon the trial of any issue in any civil cause, the sum of two dollars for each day's attendance at the sitting of the Court to which he is summoned, and for each day coming to and returning from the said Court, together with mileage for the number of miles necessarily travelled by him, in coming to the said Court, at the rate of ten cents per mile; and the sums so paid shall be the fees of Jurors, mentioned in section one hundred and twenty-nine of this Act. R. S. O. c. 48, s. 144.

FUND FOR PAYMENT OF JURORS.

Fees on Entry of Nisi Prius Records.

Sums to be paid with record when entered for trial in jury cases.

150. With every record entered for trial of issues or assessment of damages by a Jury, there shall be paid to the Clerk of Assize, or Deputy Clerk of the Crown, or Local Registrar of the High Court for the County, the sum of three dollars, and to the Clerks of the several County Courts the sum of one dollar and fifty cents, and such sums shall be forthwith paid over to the Treasurer of the County and shall form part of the fund from which Petit Juries are to be paid; but the said fees shall only be charged in case there are issues to be tried by a Jury; and no record shall in such case be entered for trial or assessment unless the sums before mentioned are first paid. R. S. O. c. 48, s. 145.

Record not to be entered unless sum is paid.

In Criminal Cases.

The like in criminal cases where either party is liable to pay costs.

151. In all criminal cases in which by law the party prosecuting, or the party prosecuted, is liable to pay the costs of the prosecution, the officer of the Court shall charge against and receive from the party so liable the sum of three dollars over and above the sum to which he is otherwise liable, and such sum of three dollars shall form part of the fund for the payment of Petit Jurors, and shall forthwith be paid over by the officer receiving it, to the Treasurer of the County in which the prosecution has been carried on. R. S. O. c. 48, s. 146.

Fines

Fines and Penalties.

Certain fines to go towards payment of Jurors.

152. All fines imposed upon Jurors for non-attendance levied in the several Counties shall be paid to the Treasurers of the said Counties respectively, and shall form part of the fund for the payment of Petit Jurors under this Act. R. S. O. c. 48, s. 147.

County Councils to Supply Deficiency.

County Councils to provide funds for paying Jurors.

153. In case the sums appropriated by this Act are not sufficient to pay the said Jurors, the several County Councils shall raise and appropriate such sums of money as in their judgment will be sufficient to pay the Petit Jurors according to the terms of this Act. R. S. O. c. 48, s. 148.

Until provided what fees Jurors shall receive.

154. Until such provision is made, every Petit Juror shall be allowed the sum of twenty-five cents in every cause in which he is sworn as a Juror in any civil case in the High Court, and the sum of twelve and a half cents in cases in the County Courts, and such fee shall be paid by the plaintiff or his attorney, and shall be accounted for in costs by the party charged with the payment thereof. R. S. O. c. 48, s. 149.

County Treasurer to notify Sheriff when funds are provided.

155. In every County in which a Petit Jury Fund is for the first time provided, the Treasurer of such County shall give notice to the Sheriff of the County, who shall thereupon perform the duties imposed upon him under this Act. R. S. O. c. 48, s. 150.

Cities bound to contribute.

156. The Municipal Corporation of any County in Ontario of which a City or a Town withdrawn from the jurisdiction of the County Council forms part for judicial purposes, may demand and recover from the Municipal Corporation of such City or Town a portion of the expenses incurred by such County, in any year, for the payment, summoning, drafting, selecting and enrolling of Jurors. R. S. O. c. 48, s. 151; 42 V. c. 14, s. 25.

Shares of fees for Jurors to be borne by counties, cities and towns.

R. S. O. c. 74.

157. In case the Councils of Counties and of Cities or separated Towns do not agree as to the shares of the fees and disbursements for Juries to be borne by the Counties, Cities and Towns respectively, the same shall be determined by arbitration under the provisions of "*The Municipal Act,*" and the portion to be borne by the City or Town shall be payable to the County immediately after the close of each year. R. S. O. c. 48, s. 152.

The Council of cities and towns to raise the necessary funds by assessment, etc.

158. The Council of the City or Town shall raise by assessment the sum of money required by such City or Town for the purposes of this Act, or shall pay such sum out of any moneys belonging to the City or Town, and applicable to municipal purposes generally. R. S. O. c. 48, s. 153.

FEES TO OFFICERS UNDER THIS ACT.

1.—*To Selectors.*

Fees to the Selectors under 17th section.

159. The Selectors of Jurors under the seventeenth section of this Act, shall for every selection and distribution of Jurors, and the report thereof made by them, be entitled to such sum of money as is authorized to be awarded them by the Council of the Municipalities of which they are respectively officers; and upon receipt of a certificate from the Clerk of the Peace that the report has been returned to him within the time limited by law, such sum of money shall be paid to such Selectors respectively by the Treasurers of their respective Townships, Villages, Towns, and Cities, in such manner as such Municipal Councils severally direct. R. S. O. c. 48, s. 154.

Fees of Selectors.

160. The County Selectors of Jurors shall be entitled to the sum of four dollars each for each day's attendance for the purpose of selecting Jurors, and for attendance and the performance of the duties under the thirteenth, fourteenth and fifteenth sections of this Act, but when the number of Grand and Petit Jurors to be selected does not exceed five hundred, no Selector shall be entitled to be paid for a greater number of days than four, inclusive of the day of meeting, under the said thirteenth, fourteenth and fifteenth sections of this Act. When the number to be selected exceeds five hundred, each Selector actually attending shall be entitled to be paid as for one additional day for every two hundred additional names selected, and no more. Upon receipt of a certificate from the Clerk of the Peace for the County or Union of Counties that the duties required of such Selectors have been duly performed by them, such sum shall be paid by the Treasurer of the County to every such Selector of Jurors, and the Clerk of the Peace shall be paid for his attendance at the meeting of the County Selectors the same fees as a County Selector. 45 V. c. 8, s. 3.

2.—*To Clerks of the Peace.*

Fees to Clerks of the Peace.

161. The Clerk of the Peace of every County shall be entitled to the following sums of money for the respective services performed by him under this Act, that is to say:

1. For receiving and examining the reports of Selectors for each City, Town, Village and Township, causing any deficiency which may be found therein to be supplied, and filing the the same in his office	$0 50
2. For giving certificates to Selectors of Jurors, of duties having been performed; but one certificate for all the Selectors for each Municipality shall be given	0 50
3. For preparing in proper form each Jurors' Book, and superintending the making up of the same (besides actual disbursements for stationer's charges)	3 00
4. For making up Jurors' Books, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names	2 00

5. For each copy of the Jurors' Book required by this Act, per one hundred names..... $2 00
6. For each Certificate required to be entered in the Jurors' Book to verify same..... 1 00
7. For copy of Jury List required to be entered, per one hundred names..... 2 00
8. For each panel of Jurors drafted from the Jury List, per one hundred names on each Jury List..... 2 00
9. For entering each panel in the Jurors' Book, with the numbers corresponding to the Jury List..... 2 00
10. For making up aggregate return in detail of Jurors..... 5 00
11. For copy thereof, and transmitting same to Provincial Secretary when required, and for office copy of the same, each..... 2 00

R. S. O. c. 48, s. 156; 42 V. c. 14, s. 29.

3.—*To Sheriffs, etc.*

Fees to Sheriffs, etc.

162. The Sheriff or other officer of every such County shall, exclusive of such fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by him under this Act, that is to say:

1. For each panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general precept for the return of the Grand or Petit Jurors for any Sittings of the High Court or General Sessions of the Peace or County Court respectively, under this Act..... $4 00
2. For copies of such Panel to be transmitted to the proper officers, each..... 1 00
3. For every summons served upon the Jurors on any Panel..... 0 25
4. In the case of Sheriffs of Counties, for every mile which the Sheriff or his Deputy or Bailiffs necessarily and actually travelled from the County Town for the purpose of serving such summonses (such mileage to be allowed for going only, and not for returning)..... 0 08

R. S. O. c. 48, s. 157; 42 V. c. 14, s. 30.

MODE OF PAYMENT.

If there are more than one hundred names.

163. In all the foregoing cases, where there are more than one hundred, or more than an even number of hundreds of such names, if the broken number beyond such hundred or hundreds falls short of fifty names, the same shall not be reckoned, and if such broken number amounts to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred. R. S. O. c. 48, s. 159.

How the said fees shall be paid.

164. Upon proof, by affidavit made before a Commissioner authorized to take affidavits in the High Court, of such several services having been executed, or, in the case of the Sheriff, of such travel having been necessarily performed in going to effect the service of such summonses, the affidavit being accompanied with a detailed account shewing the number of miles actually and necessarily travelled in going to serve each Juror (so that at

at the end of the service the officer summoning the Jury shall only be entitled to mileage for the number of miles actually travelled), and upon the account being properly audited, and an order of the Board of Audit being made for the payment thereof, the Treasurer shall, out of any money in his hands belonging to the County, City or Town respectively, not otherwise specially appropriated by Act of the Legislature, pay to such officers respectively the amount of their fees; and for all such moneys so paid, the Treasurer shall be allowed in his accounts with the County, City or Town, as if the same had been paid under the special authority and direction of the Municipal Council of such County, City or Town respectively. R. S. O. c. 48, s. 160.

PENALTIES.

Attaints of Jurors abolished.

165. The Queen shall not, nor shall any one on her behalf, nor shall any party or parties in any case whatsoever, commence or prosecute any writ of attaint against any Jury or Jurors for the verdict by them given, or against the party or parties who have judgment upon such verdict, and no inquests shall be taken to inquire of the concealments of other inquests, but all such attaints and inquests have been and shall remain abolished. R. S. O. c. 48, s. 161.

[*Section* 166 *of C. S. U. C. c.* 31, *is as follows:—*

Embracery punishable as heretofore.

166. Notwithstanding anything herein contained, every person who is guilty of the offence of embracery, and every Juror who wilfully or corruptly consents thereto, shall be respectively proceeded against by indictment or information, and be punished by fine and imprisonment, in like manner as such person and Juror might have been before the passing of this Act.]

Penalty on Jurors for non-attendance.

166. If any person, having been duly summoned to attend on any Jury, in any of the Courts hereinbefore mentioned, does not attend in pursuance of such summons, or being there called, does not answer to his name; or if any such Juror, or any talesman, after having been called, is present, but does not appear, or after his appearance wilfully withdraws himself from the presence of the Court, the Court shall set such fine upon every such Juror or talesman (unless some reasonable excuse be proved by oath, affidavit or affirmation), as the Court thinks meet. R. S. O. c. 48, s. 162.

On viewers for non-attendance.

167. Where any viewer, having been duly summoned to attend on a Jury, makes default, as in the last preceding section is set forth, the Court at which he has been summoned to attend for the trial of such cause shall set upon such viewer (unless some reasonable excuse be proved as aforesaid) a fine, in the discretion of the Court, to the amount of twenty dollars at the least. R. S. O. c. 48, s. 163.

Penalty on Jurors failing to attend upon any

168. If any person, having been duly summoned and returned to serve as a Juror in any County, City or Town upon

inquests and inquiries, etc.

any inquest or inquiry, before any Sheriff or Coroner, or before any of the Commissioners mentioned in section one hundred and thirty-nine, does not, after being openly called three times, appear and serve as such Juror, the Sheriff, Coroner and Commissioners respectively, shall (unless some reasonable excuse be proved on oath, affidavit or affirmation) impose such fine upon the person so making default as they respectively think fit, not exceeding twenty dollars. R. S. O. c. 48, s. 164.

Sheriff to certify defaults and transmit copies.

169. The Sheriff, Coroner and Commissioners respectively shall make out and sign a certificate containing the Christian name and surname, the residence and addition of every man so making default, together with the amount of the fine imposed and the cause of such fine, and transmit such certificate to the Clerk of the Peace for the County in which such defaulter resides, on or before the first day of the General Sessions of the Peace next ensuing. R. S. O. c. 48, s. 165.

Fines to be estreated.

170. Every such Clerk shall copy the fines so certified on the Roll on which all fines and forfeitures imposed at such General Sessions are copied, and the same shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties in all respects, as if they had been part of the fines imposed at such General Sessions. R. S. O. c. 48, s. 166.

On Sheriffs, etc., for default to perform duties assigned to them.

171. If any Sheriff, or other officer as aforesaid, wilfully empanels and returns any person to serve on a Jury in any of the Courts aforesaid, whose name has not been duly drawn upon such panel, in the manner in this Act prescribed, or if any Clerk of Assize, Clerk of the Peace, or other officer of any of the Courts aforesaid, wilfully records the appearance of any man so summoned and returned who has not really appeared,—in every such case the Court shall, upon examination in a summary way, set such fine upon such Sheriff, Clerk of Assize, Clerk of the Peace, or other officer offending, as the Court thinks meet. R. S. O. c. 48, s. 167.

On Sheriffs, etc., taking money as a bribe.

172. No Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or other officer or person whatsoever, shall directly or indirectly, take or receive any money or other reward or promise of money or reward, to excuse any man from serving or being summoned to serve on Juries, or under any such colour or pretence; and no Bailiff or other officer appointed by any Sheriff, Deputy Sheriff, Coroner or Elisor, to summon Jurors, shall summon or pretend to summon any man to serve thereon other than those whose names are specified in a warrant or mandate signed by such Sheriff, Deputy Sheriff, Coroner or Elisor, and directed to such Bailiff or other officer; and if any Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or other officer, wilfully transgresses in any of the cases aforesaid, or summons any of the Jurors, not being a Special Juror, less than eight days before the

the day on which he is required to attend, or summons any Special Juror less than three days before the day on which he is to attend, except in the cases hereinbefore excepted, the said High Court, General Sessions of the Peace or County Court within whose jurisdiction the offence has been committed, shall, on examination and proof of such offence in a summary way, set such fine upon every person so offending as the Court thinks meet. R. S. O. c. 48, s. 168.

On Sheriffs, etc., making any unauthorized alteration in any Jurors' Book, or neglecting to return the same, etc.

173. If any Sheriff or Deputy Sheriff of any County, makes, or causes to be made, any alteration whatever in any of the rolls, lists or panels in any Jurors' Book, or in the certified copies thereof in their official custody respectively, except in compliance with the directions in this Act contained, or neglects or refuses to prepare the Jurors' Book, the ballots necessary for drafting the panels, striking Special Juries and drawing Juries at the trial, or neglects or omits to return such Jurors' Book, and the ballots for drafting such Jury Lists, to the Court to which by this Act he is required to return the same, or neglects or omits to perform any other duty required of him by this Act, or wilfully does anything inconsistent with the provision of this Act;

On Registrars or Deputy Clerks of Crown and Pleas altering Lists, etc.

(2) Or, if any Registrar or Local Registrar of the High Court or any Deputy Clerk of the Crown and Pleas makes, or causes to be made, any alteration whatever in the rolls, lists or panels in any Jurors' Book, or in any copy thereof deposited in his office, or wilfully certifies as true any copy of any Jurors Book, or any Roll, List or panel therein, which is not a true copy thereof;

On Assessors not making and returning the Assessment Roll in proper time.

(3) Or, if any Assessor of any Township, Village or ward neglects or omits to make out and complete his Assessment Roll for such Township, Village or ward, and to return the same to the office of the Clerk of such Township or Village, or of the City or Town in which any such ward is situated, or to the other office or place of deposit for such roll, on or before the first day of September of the year for which he is such Assessor, except in the cases provided for by section forty-four of "*The Assessment Act*;"

R. S. O. c. 180, s. 44.

On municipal officer not producing assessment roll as required.

(4) Or, if any City, Town, Village or Township Clerk, or any Assessor, or other officer or person who, at the time of the annual meeting of the Selectors of Jurors for any City, Town, Village or Township, has the actual charge or custody of the Assessment Rolls or Assessment Roll of such City, Town, Village or Township for such year, neglects or omits to perform the duties required of him by the twentieth section of this Act, as regards the production of such roll or rolls at the annual meeting of such Selectors, or the permitting such Selectors to have necessary access to the same for the purposes of their duty;

On Selectors of Jurors for wilful dereliction of duty.

(5) Or, if any Selector of Jurors for any Township, Village or ward wilfully selects, ballots and reports as qualified and liable

liable to serve as a Grand and Petit Juror any person who, according to the provisions of this Act, ought not to be so selected, balloted or reported, or takes any money or other reward for so selecting, balloting or reporting, or omitting to select, ballot or report any person whomsoever, or wilfully inserts in any such report a wrong description of the name, place of abo e or addition of any one so selected, balloted and reported, or neglects or omits to complete his selection, ballot and report, and to deposit the same in the proper office on or before the fifteenth day of September of the year for which he acts as such Selector of Jurors;

On Clerks of Peace for wilful dereliction of duty.

(6) Or, if any Clerk of the Peace, or his Deputy, when acting in performance of the duties required of him by this Act, neglects or omits to perform any duty required of him in the manner herein prescribed, or wilfully does anything inconsistent herewith;

Amount of penalty, and how to be applied.

(7) In all such cases, every such person so offending shall, for such offence, forfeit the sum of two hundred dollars, one moiety thereof to be paid over to the Treasurer of the County, and shall form part of the fund for the payment of Petit Jurors under this Act, and the other moiety thereof, with full costs, to any person who will sue for the same, in any Court of competent jurisdiction, by action of debt or information; and every such action shall be tried by the Judge sitting alone, and without the intervention of a Jury, and when the same has been commenced in the County Court, the Judge of such County Court shall upon the application of either party thereto by his order direct that the same shall be tried at a sittings of the High Court, and the record may thereafter be entered and the action tried at such sittings; but nothing herein contained shall be construed to relieve any Asssessor from the obligation of returning the Assessment Roll at an earlier period of the year, or from any penalty he may incur by not returning the same accordingly. R. S. O. c. 48, s. 169; 42 V. c. 14, s. 27.

How pecuniary penalties shall be levied and applied.

174. Except as otherwise provided by the one hundred and fifty-second section of this Act, all fines imposed under this Act by the High Court or any Judge or other person presiding at any sittings thereof, General Sessions of the Peace, or County Court, shall be levied and applied in the same manner as other fines imposed by this Act. R. S. O. c. 48, s. 170.

Recovery by summary proceeding.

175. All other penalties under this Act, for which no other remedy is given, may be recovered by summary proceeding before any Justice of the Peace, and the said Justice may, on complaint, hear and examine witnesses on oath or affirmation, and determine the same, and if he sees fit may mitigate the penalty to the extent of a moiety thereof. R. S. O. c. 48, s. 171.

Mitigation of penalty.

176.

176. Unless the penalty is forthwith paid upon conviction, such Justice shall, by warrant under his hand and seal, levy the same by distress and sale of the offender's goods and chattels, and for want of sufficient distress the offender shall be committed by warrant, under the hand and seal of such Justice, to the Common Gaol or House of Correction, for such term, not exceeding six months, as such Justice thinks proper, unless such penalty is sooner paid; and all penalties shall be paid to the Treasurer of the County. R. S. O. c. 48, s. 172. Committal for non-payment. Application of penalties.

GENERAL PROVISIONS.

177. Nothing herein contained shall be construed to affect or alter any statute or law whereby the affirmation of any person belonging to certain religious societies, classes or descriptions of persons is allowed, or directed to be in all cases received and taken from such person in lieu of an oath. R. S. O. c. 48, s. 173. Affirmations instead of oaths.

178. Whenever any legal proceeding in which a Jury was empanelled, is required to be set out, it shall not be necessary to specify that any particular person or persons who acted as Jurors made affirmation instead of oath, but it may be stated that they served as Jurymen, in the same manner as if no Act had passed for enabling persons to serve as Jurymen without oath. R. S. O. c. 48, s. 174. Certain allegations not necessary in setting out legal proceedings.

179. All Acts and parts of Acts inconsistent herewith are hereby repealed; nevertheless, all Jury Lists which shall be lawfully prepared under any Act or Acts now in force shall be and continue to be the Jury Lists for the county, or union of counties, or district, until lists shall be lawfully prepared under this Act; and any Grand or Petit Juror who may be selected, summoned, or empanelled under any former Act or Acts, and who may not be otherwise disqualified as a Juror, shall be lawfully qualified to act as a Juror if duly called upon to act after this Act comes into force until proper lists shall be prepared under and by virtue hereof. All inconsistent Acts repealed with certain exceptions.

180. This Act shall come into force on the first day of July, A.D. 1883. When Act shall come into force.

SCHEDULES

SCHEDULES OF FORMS.

SCHEDULE A.

(Section 28.)

FORMS OF REPORT OF SELECTORS OF JURORS FROM ASSESSMENT ROLL.

REPORT of the Selection and Distribution of Jurors for the Township of Albion (*or* for the Ward of St. James, in the City of Toronto), in the County of York, for the year 18 , made at the Town (*or* City) Hall of the said Township (*or* City) by A. B., Town Reeve (*or* Mayor), C. D., Town (*or* City) Clerk, and E. F., G. H. and I. J., Assessors of the said Township (*or* Ward), on the day of , in the year 18 , pursuant to the directions of "*The Consolidated Jurors' Act of* 1883." (1)

FIRST DIVISION.

For the Roll of Grand Jurors to serve in Her Majesty's High Court of Justice.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
John Anderson	16	2	Esquire.
Peter Cameron.....	4	6	Yeoman.
William O'Leary	..	Oatlands.	Gentleman.
Alfred Piper	17	1	Esquire.
&c.			

SECOND DIVISION.

For the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
William Adams	9	4	Gentleman.
Richard House.....	7	5	Yeoman.
Jacob Wyse	2	1	Tailor.
Allan Thomas	24	5	Esquire.
&c.			

THIRD

THIRD DIVISION.

For the Roll of Petit Jurors to serve in Her Majesty's High Court of Justice.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
David Boothe	11	7	Merchant.
George Sullivan	3	4	Esquire.
Nathan Lowe	6	1	Shoemaker.
Henry Grace.....		7	Yeoman.
&c.			

FOURTH DIVISION.

For the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal or Civil Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
George Gule.....	7	8	Tailor.
Samuel Jones	15	3	Yeoman.
William Carpenter	7	2	Esquire.
Thomas Hoole Rogers	11	1	Gentleman.
&c.			

We, the above-named Selectors of Jurors for the Township of Albion *(or as the case may be)*, do hereby solemnly declare, each severally for himself, that we have made the Selection and Distribution of Jurors in this Report from the Assessment Roll of the said Township for the present year to the best of our judgment and information, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883," and that we have so made the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, reward, or hope thereof, other than the fees to which we are entitled under the provisions of the said Act.

Witness our hands and seals, the day and year last above written.

A. B. [L.S.] Town Reeve.
C. D. [L.S.] Town Clerk.
E. F. [L.S.] Assessor.
G. H. [L.S.] Assessor.
I. J. [L.S.] Assessor.

SCHEDULE

SCHEDULE B

(*Section* 29.)

FORM OF JURORS' BOOK.

The JURORS' BOOK for the County of York, for the year 18 . (1)

1.—ROLL OF GRAND JURORS

To serve in Her Majesty's High Court of Justice. (2)

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors.	Concession or Street or unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION, (Township.)					
1	Anderson John.....	16		Esquire,		Exempted,
2	Aylof Graham.....	9	4	Gentleman,		having
3	Bosworth David.....	11	7	Merchant,		served on
4	Cameron Peter.....	4	6	Yeoman,		G.J. List
	(*&c., to, say*)					S.C., 18
20	Young David.....	7	8	Tailor,	3	
	2 BROCK, (Township.)					
21	Allan Simon.....	21	7	Yeoman,		
22	Bolland George.....	5	12	Gentleman,	2	
	(*&c., to, say.*)					
31	Wilkinson James.....	13	4	Esquire.		
32	Yates Edward.....	1	5	Yeoman.	144	
	3 YORKVILLE, (Village.)					
	4 ST. JAMES' WARD, (City of Toronto.) (*&c., to, say.*)					
	26 YORK, (Township.)					
503	Arthur Thomas.....	3	2 from Bay	Yeoman.	1	
504	Bull Peter.....	14	1E. Yonge St.	Yeoman.		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and urban Wards in the County of York, including the City of Toronto, for the year one thousand eight hundred and , as such Reports remained with me as Clerk of the Peace on the twenty-fifth day of October in that year, and that such Grand Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors for such County in Her Majesty's High Court of Justice.

Witness my hand, this day of , one thousand eight hundred and

E. F., Clerk of the Peace.

2.

2.—THE GRAND JURY LIST

FOR the High Court, (2) as selected in open Court, at a General Sessions of the Peace for the County, on the day of , 18 , being the first day of the first General Sessions of the Peace for the County, held next after the tenth day of November in the said year, by C.D., Chairman of the said Court, and the undersigned Selectors, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or unincorporated Village or Hamlet, as in Jurors' Roll.	Township, Village or Ward.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Arthur Thomas	3	2FromBay,	York,	Yeoman,	503	1	Served accordingly.
2	Bolland George	5	12	Brock,	Gentleman,	22	1	Omitted to attend altogether.
3	Young David .. (*&c., to.*)	7	8	Albion,	Tailor,	20		
144	Yates Edward..	1	5	Brock,	Yeoman,	32	1	Served accordingly.

These are to certify that on , the day of instant, being the first day of the first General Sessions of the Peace for the County of , next after the tenth day of November in this year (5), the foregoing Grand Jury List for this County for the High Court for the year one thousand eight hundred and , was in open Court duly selected and canvassed from the Roll of Grand Jurors to serve in Her Majesty's High Court of Justice for the same year, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

Witness our hands, this day of , one thousand eight hundred and .

C. D., Chairman.
E. F., Clerk of the Peace.
G. H., Warden.
&c., &c.

3.—GRAND JURY PANELS FOR THE HIGH COURT OF JUSTICE. (2)

(*a*) No. 1.

PANEL of Grand Jurors returned upon a Precept from the Honourable G. H., the Honourable I. J., [&c.] Her Majesty's Justices in that behalf, tested the day of 18 , for the return of twenty-four of such Jurors for the sittings of the High Court of Justice (*or as the precept may require*), to be held for this County on the day of , one thousand eight hundred and , as drafted on , the , day of , one thousand eight hundred and , at the office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said

said County, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. of panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on Lists.	Remarks.
1	Arthur Thomas	3	2 From Bay,	York,	Yeoman,	1	
2	Bolland George	5	12	Brock,	Gentleman	2	
	(*&c. to*)						
24	Yates Edward.	1	5	Brock,	Yeoman,	144	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(*b*) No. 2. (4) &c.

4.—ROLL OF GRAND JURORS

To serve in Her Majesty's Inferior Courts (2) of Criminal Jurisdiction. (3)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession or Street or unincorporated Village or Hamlet as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION. (Township.)					
1	Acland White.....	16	2	Esquire.		Exempted,
2	Adams William....	9	4	Gentleman		having
3	Eswald David.....	11	7	Merchant,		served on
4	Hamilton Peter....	4	6	Yeoman,		G. J. List,
	(*&c., to, say*)					S. C. 18 .
20	Large George.....	7	8	Tailor,	3	
	2 BROCK (Township.)					
21	Ash Simon.....	21	7	Yeoman,		
22	Borland George....	5	12	Gentleman	2	
	(*&c., to, say*)					
31	Wilkins James	13	4	Esquire,		
32	Waters Edward....	1	5	Yeoman,	144	
	3 MARKHAM (Village.)					
	4 ST. JAMES' WARD, (City of Toronto.) (*&c., to, say*)					
	26 YORK, (Township.)					
503	Astor Thomas.....	3	2 From Bay.	Yeoman,	1	
504	Peel Peter	14	1 E. Yonge st	Yeoman,		

These

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and urban Wards in the County of York, including the City of Toronto, for the year one thousand eight hundred and , as such Reports remained with me as Clerk of the Peace on the twenty-fifth day of October in that year, and that such Grand Jurors' Roll contains a true and correct transcript of the names, descriptions, and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors in Her Majesty's Inferior Courts of Criminal Jurisdiction for such County.

Witness my hand, this day of , one thousand eight hundred and

E. F. Clerk of the Peace.

5.—THE GRAND JURY LIST.

For the Inferior Courts, (2) as selected in open Court at a General Sessions of the Peace for the County, on , the day of , 18 , being the first day of the first General Sessions of the Peace for the County held next after the tenth day of November in the said year, by C. D., Chairman of the said Court, and other Selectors, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. on List.	NAMES.	No. of Lot or House as in Jurors' Roll.	Concession or Street or unincorporated Village or Hamlet as in Jurors' Roll.	Township, Village or Ward.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Astor Thomas .	3	2 From Bay.	York,	Yeoman,	500	1	Served accordingly.
2	Borland George	5	12	Brock,	Gentleman	22	1	Omitted to attend altogether.
3	Large George..	7	8	Albion,	Tailor,	20		
	(*&c., to*)							
144	Waters Edward	1	5	Brock,	Yeoman,	32	1	Served accordingly.

These are to certify that on , the day of instant, being the first day of the first General Sessions of the Peace for the County of York next after the tenth day of November in this year (5) the foregoing Grand Jury List for the Inferior Courts for this County, for the year one thousand eight hundred and , was in open Court duly selected and canvassed from the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction for the same year, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

Witness our hands, this day of , one thousand eight hundred and

C. D. Chairman.
E. F. Clerk of the Peace.

6.—GRAND JURY PANELS FOR THE INFERIOR COURTS. (2)

(*a*) No. 1.

PANEL of Grand Jurors returned upon a Precept from S. B. H. and K. L. M., Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the day of , 18 , for the return of twenty-four of such Jurors for the General Sessions of the Peace to be held for this County on , the day of , one thousand eight hundred and , as drafted on , the day of , one thousand eight hundred and , at the office of the Clerk of the Peace in Toronto, by A B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. on Panel.	NAMES.	No. of Lot or House as in Jury List.	Concession or Street or unincorporated Village or Hamlet as in Jury List	Township, Village or Ward.	Additions.	No. on List.	Remarks
1	Astor Thomas.	3	2 From Bay,	York,	Yeoman,	1	
2	Borland George	5	12	Brock,	Gentleman	2	
	(*etc., to*)						
24	Waters Edward	1	5	Brock,	Yeoman,	144	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(*b*) No. 2. (4) etc.

7.—ROLL OF PETIT JURORS

To serve in Her Majesty's High Court. (2) (3)

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors.	Concession or Street, or unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION, (Township.)					
1	Parley Peter	16	2	Esquire,		
2	Alley Simon	21	7	Yeoman,	2	
3	Aikins William....	25	3	Yeoman,		
4	Ashford Thomas ..	19	5	Yeoman,	3	
5	Adams George	5	5	Gentleman	1	
6	Worth David.....	11	7	Merchant,	5	
7	Barclay Joh	9	2	Shoemaker,	4	
8	Cameron William..	4	6	Yeoman,		Exempted
9	Daniels George.. ..	22	11	Yeoman,	6	having
10	Small William .... (*&c., to, say*)	7	8	Tailor,	7	served on P. J. List,
1060	Yarrold George	14		Baker,	288	S. C. 18 .
	2 BROCK. (Township.) *&c.*					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and urban Wards in the County of York, including the City of Toronto, for the year one thousand eight hundred and , as such Reports remained with me as Clerk of the Peace on the twenty-fifth day of October of that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors for such County in Her Majesty's High Court of Justice.

Witness my hand, this day , 18 .

E. F. Clerk of the Peace.

8.—THE PETIT JURY LIST

For the High Court, (2) as selected in open Court at a General Sessions of the Peace for the County, on , the day of , 18 , being the first day of the first General Sessions of the Peace for the County held next after the tenth day of November in the said year, by C. D., Chairman of the said Court, and E. F., the Clerk of the Peace, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street or unincorporated Village or Hamlet, as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Adams George..	5	5	Albion,	Gentleman	5		
2	Alley Simon....	21	7	Albion,	Yeoman,	2	1	Served
3	Ashford Thomas	2	19	Albion,	Yeoman,	4		accord-
4	Barclay John...	19	8	Albion,	Shoemaker	7		ingly.
5	Worth David...	9	5	Albion,	Merchant,	6		
6	Daniel George..	11	16	Albion,	Yeoman,	9		Attend-
	(*&c. to*)							ed, but
188	Yarrold George.	14	9	Albion,	Baker,	1060	1	made default.

These are to certify that on , the day of instant, being the first day of the first General Sessions of the Peace for the County of York next after the tenth day of November in this year (5) the foregoing Petit Jury List for this County for the High Court of Justice for the year 18 , was in open Court duly selected, and canvassed from the Roll of Petit Jurors to serve in Her Majesty's High Court of Justice for the same year, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

Witness our hands, this day of , 18 .

C. D. Chairman.
E. F. Clerk of the Peace.

9.—PETIT JURY PANELS

FOR THE HIGH COURT (2).

(*a*) No. 1.

Panel of Petit Jurors returned upon a Precept from the Honourable G. H., the Honourable J. J., etc., Justices of Her Majesty's High Court, tested the day of , one thousand eight hundred and , for the return of such Jurors, for the Sittings of the High Court of Justice (*or as the precept may require*) to be held for this County, on , the day of , one thousand eight hundred and , as drafted on , the day of , one thousand eight hundred and , at the office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices

Justices of the Peace for the said County, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. on Panel.	NAMES.	No. of Lot or House, as as in Jurors' List.	Concession or Street, or unincorporated Village or Hamlet, as in Jurors' List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Alley Simon	21	7	Albion,	Yeoman,	2	
	(*&c. to*)						
48	Yarrold George	14	9	Albion,	Baker,	288	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(*b*) No. 2, (4) &c.

10.—ROLL OF PETIT JURORS

To serve in Her Majesty's Inferior Courts (2) of Criminal and Civil Jurisdiction (3).

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession or Street or unincorporated Village or Hamlet as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION (Township).					
1	Alford Peter.....	16	2	Esquire,		
2	Adams Simon	21	7	Yeoman,	2	
3	Addis William	25	3	Yeoman,		
4	Ashton Thomas...	19	5	Yeoman,	3	
5	Aylwin William...	5	5	Gentleman	1	
6	Brooks David	11	7	Merchant,	5	
7	Burley John.....	9	2	Shoemaker	4	
8	Catty Peter.....	4	6	Yeoman,		
9	David George	22	11	Yeoman,	6	Exempt,
10	Gule George.....	7	8	Tailor,	7	having
	(*&c., to, say*),					served on
1060	Yold George.....	14	9	Baker,	288	P. J. List, S. C. 18.
	2. BROCK (Township). *&c.*					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the

the different Townships, Villages and urban Wards in the County of York, including the City of Toronto for the year one thousand eight hundred and , as such Reports remained with me as Clerk of the Peace, on the twenty-fifth day of October in that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for such County.

Witness my hand, this day of , 18 .

E. F. Clerk of the Peace.

11.—THE PETIT JURY LIST

FOR the Inferior Courts, (2) as selected in open Court at a General Sessions of the Peace for the County, on the day of , one thousand eight hundred and , being the first day of the first General Sessions of the Peace for the County held next after the tenth day of November in the said year, by C. D., Chairman of the said Court, and E. F., Clerk of the Peace, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. on List.	NAMES.	No. of Lot or House as in Jurors' Roll.	Concession or Street or unincorporated Village or Hamlet as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Aylwin William	5	5	Albion,	Gentleman	5		
2	Adams Simon..	21	7	Albion,	Yeoman,	2	1	Served accordingly.
3	Ashton Thomas	19	5	Albion,	Yeoman,	4		
4	Burley John...	9	2	Albion,	Shoemaker	7		
5	Brooks David..	11	7	Albion,	Merchant,	6		
6	Davis George..	22	11	Albion,	Yeoman,	9		
	(*&c., to*)							
288	Yold George...	14	9	Albion,	Baker,	1060	1	Attended but made default.

These are to certify that on , the day of instant, being the first day of the first General Sessions of the Peace for the County of York next after the tenth day of November in this year, (5) the foregoing Petit Jury List for the Inferior Courts for this County for the year one thousand eight hundred and , was in open Court duly selected and canvassed from the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for the same year, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

Witness our hands, the day of , one thousand eight hundred and .

C. D. Chairman.
E. F. Clerk of the Peace.

12.—PETIT JURY PANELS FOR THE INFERIOR COURTS. (2)

(*a*) No. 1.

PANEL of Petit Jurors returned upon a Precept from S. B. H., and K. L. and M. N., Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the day of , 18 , for the return of of such Jurors, for the General Sessions of the Peace to be held for this County, on , the day of , 18 , as drafted on , the day of , 18 , at the office of the Clerk of the Peace in Toronto,

Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. of Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or unincorporated Village or Hamlet, as in Jury List.	Township, Village, or Ward.	Additions.	No. on List.	Remarks.
1	Adams, Simon ..	21	7	Albion,	Yeoman,	2	
	(*&c. to*)						
48	Yold George	14	9	Albion,	Baker,	288	

Witness our hands the day and year last above written.

A. B., Sheriff.
K. L., J. P.
M. N., J.P.

(*b*) No. 2.

PANEL of Special Jurors returned upon a Writ of *Venire Facias Juratores*, out of the Queen's Bench Division of the High Court of Justice, in the case of N. O., Plaintiff, against P. Q., Defendant, tested (&c.) and returnable (&c.), as struck at the office of the Clerk of the Peace, in Toronto, on , the day of 18 , by A. B., Esquire, Sheriff, in the presence of R. S., Attorney for the Plaintiff, and T. A., Agent for the Attorney of the Defendant (*or* in the presence of R. S., Attorney for the Plaintiff, the Defendant's Attorney, though served with the appointment, not appearing), pursuant to the directions of "*The Consolidated Jurors' Act of* 1883."

No. of Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or unincorporated Village or Hamlet, as in Jury List.	Township, Village, or Ward.	Additions.	No. on Grand Jurors' Rolls.	Remarks.
1	Abbott, William..	11	9	Albion,	Gentleman	I.C. 31	From G. J. Roll for S. C. for year 18 .
2	Wilkins, James ..	13	4	Brock,	Esquire,		
	(*&c. to.*)						
16	Young, David....	7	8	Albion,	Tailor,	S.C. 20	No. 10, the G. J. Roll for this year being exhausted.

Witness my hand, the day and year last above written.

A. B., Sheriff.

(*c*) No. 3, (4) &c.

NOTES

NOTES TO FORMS IN SCHEDULES A AND B.

(1) *This Title to be placed at the head of each page or folio throughout the Book.*

(2) *So much of this Sub-Title as ends with this word, to be placed at the head of each page or folio of the Book appropriated to this class of entries.*

(3) *This Roll to be commenced on a new page or folio after leaving a sufficient number of leaves for the Jury List to be selected from the preceding Roll and the probable number of Panels that may be drafted from such List in the course of the year.*

(4) *The subsequent Panels following immediately may be commenced on the same page or folio on which the preceding one is closed.*

(5) *Or, if at a Special Sessions held under the authority of the sixty-first section of this Act, say, "Of a Special General Sessions of the Peace for the County of York, held for that purpose under the warrant of the Lieutenant-Governor," the foregoing Grand or Petit Jury List, &c., was in open Court, &c. And note that the words "the said year" in the first part, and the words "this year" in the latter part of the form, mean the same year, the General Sessions being now held in December in each year.*

SCHEDULE C (*Section* 144).

PAY LIST for Petit Jurors who have attended "the Sittings of the High Court" or "County Court and General Sessions of the Peace" (*as the case may be*), held for the County of , begun on the day of , and ended on the day of , 18 .

Name of Jurors.	Number of miles travelled in coming to Court.	Check of Attendance.								Amount to be paid to Juror.		Juror's signature acknowledging receipt of money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	$	cts.	
John Just	21	present	present	present	present	absent	present	present	present			
Charles Careless—												

I, , Sheriff of the County of , do hereby certify to the Treasurer of the said County, that the above is, to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, a true check of the number of days every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.

CHAPTER 8.

An Act to amend the law respecting the Administration of Justice in Criminal Matters.

[*Assented to 1st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R.S.O. c. 86, Schedule amended.

1. The schedule of fees attached to chapter eighty-six of the Revised Statutes of Ontario, sub-heading "other matters," item 1, is hereby amended by adding thereto the following sub-item :

"The foregoing item shall, after the passing of this Act, extend to and include the maintenance of prisoners hereafter convicted by police magistrates, under the forty-seventh chapter of the Statutes of Canada, passed in the thirty-eighth year of Her Majesty's reign, for indictable offences, and confined upon such conviction in any common gaol within the Province."

45 V. c. 11, s. 10, amended.

2. The tenth section of chapter eleven of the Acts passed in the forty-fifth year of Her Majesty's reign is amended by inserting after the word "funds," in the fourth line of the said section, the following words : "and in cases in which the gaol is owned and maintained by a city municipality, such fees, in respect of prisoners convicted for offences committed within the city limits, shall be paid in the first instance out of the city funds, and so far as they relate to prisoners convicted for offences committed in the county without the limits of such city, they shall be paid in the first instance out of the county funds ;" and by inserting after the word "counties," in the fifth line of the said section, "and the said city."

Payment of sheriff's and surgeon's fees.

3. Where any fees of the sheriff or surgeon under said section ten remain unpaid at the time of the passing hereof, they shall be paid by the city or county respectively in the manner provided by the preceding section.

CHAPTER 9.

An Act to amend the Act respecting Trustees and Executors and the Administration of Estates.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 107, s. 34, repealed.

1. Section thirty-four of the *Revised Statute respecting Trustees and Executors and the Administration of Estates*, chapter one hundred and seven, is hereby repealed and the following substituted therefor:—

Distribution of assets under trust deeds for benefit of creditors, or of the assets of a testator or intestate after notice given by trustee, executor or administrator.

34. Where a trustee or assignee acting under the trusts of a deed or assignment for the benefit of creditors generally, or a particular class or classes of creditors, where the creditors are not designated by name therein, or an executor or an administrator has given such or the like notices as in the opinion of the court in which such trustee, assignee, executor, or administrator is sought to be charged, would have been given by the High Court of Justice in a suit for the execution of the trusts of such deed or assignment, or an administration suit (as the case may be), for creditors and others, to send in to such trustee, assignee, executor or administrator, their claims against the person for the benefit of the creditors of whom such deed or assignment is made, or the estate of the testator or intestate (as the case may be), such trustee, assignee, executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the proceeds of the trust estate, or the assets of the testator or intestate (as the case may be), or any part thereof amongst the parties entitled thereto, having regard to the claims of which such trustee, assignee, executor or administrator has then notice, and shall not be liable for the proceeds of the trust estate, or assets (as the case may be), or any part thereof, so distributed to any person of whose claim such trustee, assignee, executor or administrator had not notice at the time of the distribution thereof or a part thereof (as the case may be); but nothing in this Act contained shall prejudice the right of any creditor or claimant to follow the proceeds of the trust estate or assets (as the case may be), or any part thereof, into the hands of the person or persons who may have received the same respectively.

CHAPTER 10.

An Act for protecting the Public Interest in Rivers, Streams and Creeks.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

All persons entitled to use rivers for floating down timber and saw-logs.

1. So far as the Legislature of Ontario has authority so to enact, all persons shall, subject to the provisions in this Act contained, have, and are hereby declared always to have had, during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts, down all rivers, creeks and streams in respect of which the Legislature of Ontario has authority to give this power ; and in case it may be necessary to remove any obstruction from such river, creek or stream, or construct any apron, dam, slide, gate-lock, boom, or other work therein or thereon, necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, and it is hereby declared always to have been lawful to remove such obstruction, and to construct such apron, dam, slide, gate-lock, boom or other work necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof.

Right to use rivers on which improvements have been made for the purpose of floating timber.

2. In case any person shall construct in or upon such river creek or stream, any apron, dam, slide, gate-lock, boom or other work necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down any such river, creek or stream, which was not navigable or floatable before such improvements were made, or shall blast rocks or remove shoals or other impediments, or otherwise improve the floatability of such river, creek or stream, such person shall not have the exclusive right to the use of such river, creek or stream, or to such constructions and improvements ; but all persons shall have, during the spring, summer and autumn freshets, the right to float and transmit saw-logs and other timber, rafts and crafts, down all such rivers, creeks or streams, and through and over such constructions and improvements, doing no unnecessary damage to the said constructions and improvements, or to the banks of the said rivers, creeks or streams, subject to the payment to the person who has made such constructions and improvements, of reasonable tolls.

Foregoing provisions to apply whether land patented or not.

3. The foregoing sections, and all the rights therein given, and all the provisions therein made and contained, shall extend and apply to all rivers, creeks and streams, mentioned in the first section of this Act, and to all constructions and improvements made therein or thereon, whether the bed of such river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown, shall be binding upon such grantees, their heirs, executors, administrators and assigns.

Lieutenant-Governor in council may fix tolls.

4. The Lieutenant-Governor in Council may fix the amounts which any person entitled to tolls under this Act shall be at liberty to charge on the saw-logs and different kinds of timber, rafts or crafts, and may, from time to time, vary the same; and the Lieutenant-Governor in Council, in fixing such tolls shall have regard to, and take into consideration, the original cost of such constructions and improvements, the amount required to maintain the same, and to cover interest upon the original cost, as well as such other matters as under all the circumstances may to the Lieutenant-Governor in Council seem just and equitable.

Provisions of Act to apply to all constructions now or hereafter made.

5. The foregoing provisions of this Act shall apply to all such constructions and improvements as may hitherto have been made, as well as to such as may be in course of construction or shall hereafter be constructed.

Persons making improvements to have lien for tolls.

6. Every person entitled to tolls under this Act shall have a lien upon the saw-logs or other timber passing through or over such constructions or improvements for the amount of such tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if such tolls are not paid, any justice of the peace having jurisdiction within or adjoining the locality in which such constructions or improvements are, shall, upon the oath of the owner of such constructions or improvements, or upon the oath of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable, or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell, subject to the lien of the Crown (if any) for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner: Provided always that the authority to issue such warrant by such justice of the peace shall not exist after the expiration of one month from the time of the passage of such logs or timber through or over any of such constructions or improvements.

Rights of companies formed under

7. Nothing in this Act contained shall be construed as interfering with the powers or rights of any company formed under the

R.S.O., c. 153, not affected.

the Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of timber down rivers and streams, being chapter one hundred and fifty-three of the Revised Statutes of Ontario, or with mill dams, or the right to erect and maintain mill-dams on streams; and the law respecting mills and mill-dams, being chapter one hundred and thirteen of the Revised Statutes of Ontario, and any other law conferring rights in mill-dams shall remain the same as if this Act had not been passed.

All persons driving logs etc., to have the right to go on river banks.

8. All persons driving saw-logs or other timber, rafts or crafts, down any such river, creek or stream, shall have the right to go along the banks of any such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the said river, creek or stream.

Person entitled to tolls may make rules regulating transmission of timber.

9. Every person entitled to tolls under this Act may make rules and regulations for the purpose of regulating the safe and orderly transmission of saw-logs, timber, rafts and crafts over or through such constructions or improvements; but no such rules or regulations shall have any force or effect until approved of by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may revoke and cancel such rules and regulations so made and approved, and from time to time approve of new rules and regulations which the person so entitled to tolls as aforesaid, shall have the power to make.

Costs of pending suits.

10. If any suit is now pending, the result of which will be changed by the passage of this Act, the court or any judge of such court having authority over such suit, or over the costs, may order the costs of the suit, or any part thereof, to be paid by the party who would have been required to pay such costs if this Act had not been passed.

CHAPTER 11.

An Act to amend the Revised Act respecting the Solemnization of Marriages.

[*Assented to* 1st *February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Marriage Amendment Act, 1883."

2.

Application of R. S. O. c. 124, extended

2. The Act respecting the Solemnization of Marriages (R. S. O. cap. 124) shall be deemed to apply to the churches or congregations of religious people commonly called or known congregationally as "Congregations of God," or of Christ, and individually as "Disciples of Christ"; and any elder, evangelist or missionary, for the time being, of any such church or congregation, who, from time to time, is chosen by any such congregation, for the purpose of the solemnization of marriages, shall be deemed to have, for the time being, the authority of a minister or a clergyman under the said Act, and within the meaning thereof.

Duties imposed on and rights given to persons officiating under authority of this Act.

3. All the duties imposed upon and rights given to ministers and clergymen by the said Act, or by the Act respecting the Registration of Births, Marriages, and Deaths are hereby imposed upon and given to such elders, evangelists, or missionaries, as aforesaid.

Certain marriages confirmed.

4. Any elder, evangelist, or missionary of any such church or congregation, who has heretofore celebrated a marriage within the Province of Ontario, shall be held to have had the authority of a minister or clergyman in that behalf, within the meaning of the said Revised Act first mentioned, and every such marriage so celebrated between persons not under any legal disqualification for entering into the contract of matrimony, is hereby declared to have been and to be lawful and valid so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature: Provided that the parties thereafter lived together and cohabited as husband and wife, and that the validity of the marriage has not hitherto been questioned in any suit at law or in equity.

Proviso.

CHAPTER 12.

An Act respecting the Release of Dower in certain cases.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

44 V. c. 14, s. 5, repealed.

1. Section five of the "*Act to further provide for the Release of Dower of Married Women in certain cases*," passed in the forty-fourth year of Her Majesty's reign, chaptered fourteen, is hereby repealed, and the following substituted therefor:

5.

Application of R. S. O. c. 126, ss. 8–10, and of 44 V. c. 14.

5. This Act, and the eighth, ninth and tenth sections of the Act respecting Dower, chapter one hundred and twenty-six of the Revised Statutes, shall apply to any case where any person owns, or has the right to sell or mortgage (whether as trustee or otherwise), land which is subject to dower, whether such dower is inchoate or complete, and whether the person applying is or is not the husband of the doweress.

CHAPTER 13.

An Act to amend the Act respecting Joint Stock Companies for the construction or purchase of roads and other works.

[*Assented to* 1st *February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 152, s. 99, amended.

1. Section ninety-nine of "*The General Road Companies Act*" is hereby repealed, and the following substituted therefor:

99. If any such company or municipality suffers any portion of their road on which tolls have been taken to get out of repair, the judge of the county court, in the county in which such road is situated, may, upon the requisition of six freeholders residing within one mile from such road, or upon the requisition of any municipal council within such county, stating that such road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, direct any competent engineer, not being a shareholder in the road company, or an officer in the municipal council owning such road, to examine the road; but such requisition shall not be presented to the County Judge until at least six days' written notice thereof, signed by one or more of the said freeholders, or by the head of such council if notice is given by a municipal council, if such intended requisition has been given in the manner provided by section one hundred and one of this Act.

Sec. 101 amended.

2. Section one hundred and one of the said Act is hereby amended by adding thereto the following as sub-section three:

(3) It shall be competent for the said engineer to make a special report to the judge of the county court, that the road inspected by him is as to the whole or as to a certain portion thereof, so much out of repair as in his opinion to justify an order for the cesser of the right to tolls, in respect to the whole

or

or to the portion of the said road described, and upon service of a copy of such special report on the president of the company or head of the municipality to which the road or roads belong, in the manner hereinbefore provided, neither the directors of the company nor the municipal council nor any person authorized by them shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll-gates, whereat tolls were being collected at the time of such special report on such road, or on either side of the portion or portions of road so out of repair, under the penalty mentioned in the one hundred and seventh section of this Act, until the said engineer or an engineer approved by the judge of the county court has again examined the road and certified it to be in good and efficient repair, or unless the judge of the county court shall otherwise order, under proceedings to be taken and had, similar to the case of directors disputing that their road is out of repair under the provisions of section one hundred and three of this Act.

S. 146 amended.

3. Section one hundred and forty-six of the said Act is hereby amended by adding thereto the following as sub-section two:

(2) Any violation of this section shall subject the company violating the same to a penalty of fifty dollars for each violation, and of the additional sum of twenty-five dollars for each month during which any such company neglects to make such return, which shall be verified by a statutory declaration of one of the directors of such company, such penalty to be recovered under the provisions of this Act, and paid over to the Treasurer of this Province.

CHAPTER 14.

An Act to amend the Act respecting Joint Stock Companies for supplying cities, towns, and villages with Gas and Water.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 157, s. 8, amended.

1. Section eight of chapter one hundred and fifty-seven of the Revised Statutes of Ontario, intituled "*An Act respecting Joint Stock Companies for supplying cities, towns, and villages with Gas and Water*," is hereby amended by striking out the words, "and shall not at any time exceed in value thirty thousand

sand dollars," where they occur in the eighth and ninth lines of the said section.

Removal of fittings by company from customers' premises.

2. Where any customer discontinues the use of the gas or other means of lighting or heating, or water, furnished by a company incorporated under the said Act, or the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may at all reasonable times enter the premises in or upon which such customer was supplied with gas, or other means of lighting or heating, or water, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the company, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage.

CHAPTER 15.

An Act relating to the Law of Insurance.

[*Assented to* 1st *February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Ontario Insurance Act, 1883."

Remuneration of directors.

2. At any annual meeting of the members or stockholders of an Insurance Company, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of such special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company, and copies of such by-laws or resolutions shall, within one week after their passing, be filed with the Inspector of Insurance, with whom also shall be filed copies of all other by-laws that may from time to time be enacted by the company or by the board of directors.

Certain contracts void.

3. No Insurance Company shall contract with any director or officer thereof for any loan or credit, or borrowing of money, and any contract in violation of this section shall be void.

Lieutenant-Governor may authorize change of name or removal of head office.

4. The name of any Insurance Company may be changed by authority of the Lieutenant-Governor in Council, upon application of the company; and the head office of any company may be removed from one municipality to another by the like authority. Where any company is entitled to remove its

its head office from one place to another without the consent of the Lieutenant-Governor in Council, notice of any such change, and of any resolution or by-law authorizing the same, shall be forthwith given by the secretary of the company to the Inspector of Insurance.

Inspection of books and papers.

5. In order to facilitate the inspection of an Insurance Company's books and papers the company may be required by the Inspector to produce the said books and papers at the County Town of the County in which the head office of said Insurance Company is situated, or at such other convenient place as the Inspector may direct.

Basis of statutory assessment.

6. The annual assessment levied on Insurance Companies under the provisions of the twenty-fifth chapter of the Act passed in the forty-second year of Her Majesty's reign shall hereafter be based on the gross amount at risk as shewn by the books of the several companies on the thirty-first day of December next preceding. The second sub-section of the first section of said last mentioned Act is hereby amended by striking out all the words thereof which precede the words "and it shall be lawful," and by inserting in lieu thereof the following: "The salary of the Inspector shall be such sum per annum as the Legislature shall, from time to time, determine."

42 V. c. 25, sec. 1, s-s. 2, amended.

Examination of company's affairs.

7. Whenever the affairs of any Insurance Company doing business in Ontario appear to require the same, the Inspector of Insurance with the approval of the Provincial Secretary may, at the expense of the company, have abstracts prepared of its books and vouchers, and a valuation made of the assets and liabilities; and the certificate of the Inspector approved of by the Provincial Secretary, shall be conclusive as to the expenses to be paid by the company in respect thereof.

R. S. O. c. 160, s. 33, amended.

8. The thirty-third section of "*The Ontario Insurance Act*," R. S. O. cap. 160, is hereby amended, by adding thereto the following words, namely: "and the court may thereupon appoint a receiver."

Voluntary liquidation.

9. When any Insurance Company, instituted by the Legislative authority of this Province, proposes to go into voluntary liquidation, at least one month's notice in advance shall be given to the Provincial Secretary and to the Inspector of Insurance; the like notice shall also be published by the company in two consecutive issues of the *Ontario Gazette*, and in some other newspaper should the Inspector so require; and the said notice shall state the date at which risks shall cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the company to apply on a stated day for the appointment of a liquidator.

10.

Unearned premiums.

10. When any such Fire Insurance Company is wound up every policy-holder shall be entitled to a refund from the company of the unearned proportion of the cash premium calculated from the date at which the company, according to the notice in the section next preceding, ceased to take risks; but this shall not destroy or defeat any other remedy such policy-holder may have against the company in respect thereof or for any other cause.

Receiver to file statements.

11. Every receiver, assignee, or liquidator of an Insurance company shall, until the affairs of the company are wound up, within seven days after the close of each calendar month file with the court or other authority appointing him, and also with the Inspector of Insurance, detailed schedules shewing in such form as may be required, receipts and expenditures, also assets and liabilities, and he shall, whenever by the authority appointing him, or by the Inspector of Insurance, so required to do, exhibit the company's books and vouchers, and furnish such other information respecting the company's affairs as may be required; and any receiver, assignee or liquidator refusing or neglecting to furnish such information, shall, for each offence, be subject to a penalty of not less than fifty nor more than two hundred dollars, to be recovered on behalf of Her Majesty for the use of this Province; and he shall in addition render himself liable to be dismissed or removed.

Surrender of deposit.

12. Before any application is made to a court for the surrender of an Insurance Company's deposit with the Government at least ten days' notice of such intended application shall be served on the Provincial Secretary or his deputy, and also upon the Inspector of Insurance; and such notice shall designate the court to which application is proposed to be made, and shall state the day named for the hearing of the same.

Transfer register.

13. Every Insurance Company incorporated under the authority of the Legislature of this Province, other than a Mutual Company, shall keep a stock register, in which a register of transfers of stock shall be accurately kept, and it shall at all reasonable times be open to the examination of any shareholder and to the Inspector of Insurance. The entries in such register shall include the following particulars: the register numbers of the shares transferred; the amount of subscribed stock transferred; the amount heretofore paid up on such stock; the names and addresses of the transferor and the transferee; the date of the transfer, and the date of confirmation or disallowance by the board.

Separate record to be kept of Provincial business.

14. Where a Fire Insurance Company is acting under a license of the Province of Ontario, the books and records required to be kept by the twenty-first section of the twentieth chapter of the Act passed in the forty-fourth year of Her Majesty's reign, shall include only such risks as are situate within

within the said Province; and the securities deposited with the Government of Ontario shall be subject to administration in respect only of the said risks. Application of Provincial deposit.

APPLICABLE TO MUTUAL COMPANIES ONLY.

15. The word "member" as used in chapter one hundred and sixty-one of the Revised Statutes of Ontario, shall apply only to those policy-holders who have given premium notes for insurance. Members of mutual companies.

16. At the winding up of a Mutual or partly Mutual Insurance Company, after notice has been given as required by the tenth section of this Act, it shall be lawful for the directors of said company to reinsure out of the reserve fund the unexpired policies for which premium notes have been taken. Disposal of reserve at winding up of company.

CHAPTER 16.

An Act to authorize the construction of Street Railways.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Street Railway Act, 1883.*" Short title.

2. In this Act "street" shall include any highway. Interpretation.

3. The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter under "*The Ontario Joint Stock Companies' Letters Patent Act*," incorporating a company for the purpose of constructing and working a street railway or lines of street railway in any local municipality, or in two or more adjoining local municipalities. Incorporation under R. S. O. c. 150.

4. Every such company shall, subject to any provisions contained in the charter, or in its by-laws, have authority to construct, maintain, complete, and operate (on all days except Sundays), and from time to time to remove and change as required, a double or single iron railway, with necessary side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets in any municipality to which its charter extends, as the council of the municipality may by by-law author- Powers of company.

ize, and over and upon any lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of animals, or by such other motive power as the company thinks proper, and as the municipal council authorizes, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

(2) The company may also carry freight, if so authorized by a by-law of the municipality.

(3) In case steam is the motive power employed, and if the railway or part of the railway is situate within a township municipality, the section of the Railway Act of Ontario, chapter one hundred and sixty-five, under the head "Fences," being the twenty-second section of the said Act, shall apply to the railway.

(4) The said section of the Railway Act shall apply to every street railway heretofore constructed, and to every street railway heretofore incorporated under any special Act, or otherwise, as respects any and every expropriated parcel of land, except where the owners of such land and the company have made or shall make any agreement inconsistent with the rights given to the owners by the said section of the Railway Act.

Mode of laying rails.

5. The rails of the railway shall be laid (as nearly as practicable) flush with the streets, and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets.

Use of tracks by other vehicles than those of the company.

6. All other ordinary vehicles may use and travel in the said tracks, provided they do not interfere with or impede the running of the cars or sleighs of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars, carriages, sleighs or other conveyances of the company.

Repair, etc., of streets by company.

7. Unless otherwise agreed upon between the company and the council of the municipality in which the railway or any part of it is laid, the company shall at its own expense keep clean and in proper repair, the street, between the rails, and for eighteen inches on each side of such rails; and in default the said council may cause the same to be done at the expense and proper cost of the company.

Rails to be kept flush with streets.

8. The municipal corporation shall keep, or shall require the company to keep, the rails as nearly as practicable flush with the streets, and so as to cause the least possible impediment to the ordinary traffic of the streets.

Rates of fare.

9. The fares to be taken by the company shall not exceed, for each passenger five cents for any distance not exceeding three miles, and shall not exceed one cent per mile for any additional distance. Children under ten years of age shall be carried for three miles for three cents, and for any additional distance at the rate of half-a-cent per mile: but the company may, with the consent of the council, charge double the said rates of fare between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.

(2) The rates hereinbefore limited shall apply wherever the passenger is carried only within the limits of the municipality; where he is carried from one municipality into another, or others, a fare double the said rates may be charged, unless the company and any municipality otherwise agree: Provided that in no case shall a greater charge be made than at the rate of three cents per mile for adults and one and a half cents per mile for children. Children in arms to be in all cases carried free.

Use of sleighs, etc.

10. Subject to any agreement between the company and the council, the company may substitute sleighs, or other conveyances, for the railway carriages upon the route of their railway, as occasion may require.

Payment of fare.

11. The fare shall be due and payable by every passenger on entering the car, sleigh or other conveyance, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car, sleigh or other conveyance upon being requested so to do, shall be liable to a fine of not more than ten dollars, besides costs; and the same shall be recoverable before any justice of the peace.

Municipal regulations respecting matters affecting railway.

12. The council of the municipality in which any railway or part of a railway is laid may pass by-laws:—

(1) For facilitating the running of the company's cars, sleighs and other conveyances;

(2) For regulating the traffic and conduct of all persons travelling upon the streets and highways upon which the said railway is laid;

(3) For exempting the property of the company from taxation for any period not exceeding ten years;

(4) For renewing such exemption for a further period not exceeding ten years;

(5) For exempting from taxation for a like period of ten years, the income derived by the shareholders of the company;

(6) For providing for the safety and convenience of passengers, the conduct of the agents and servants of the company; and

(7) For preventing the obstructing or impeding of the ordinary traffic, and for compelling vehicles on the track to give

give place to the cars, carriages, sleighs, or other conveyances of the company.

Agreements between municipality and company as to construction, street repairs, etc.

13. The company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the said railway; the time within which the road shall be commenced, the manner of proceeding therewith and the time of its completion; the paving, macadamizing, repairing, grading and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing, or taking up of gas and water pipes, in the said streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails and the gauge of the railway; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum hereinbefore mentioned, and the amount of license (if any) to be paid by the company annually or otherwise.

Forfeiture by non-user.

14. In case the company shall at any time cease to regularly use the whole or any part of their railway for a period of six months, they shall forfeit the right to use such railway, or the part unused, as the case may be, together with the rails thereon, which shall become the property of the municipal corporation within whose territory the railway or such part is situated, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the street in proper repair; but this section is subject to any agreement between the company and corporation in respect of the said matters.

Provisions for use by one company of railway of another company and the compensation therefor.

15. Where there are more such companies than one in any municipality, and the council of the municipality is of opinion that it is in the public interest that any company should have the right to use a portion of the railway of another company,—and if after notice to the proprietor-company, so that it may be heard in opposition,—the council passes a resolution declaring such opinion, the said company shall have such right; and shall pay therefor such annual sum, or such proportion of the cost of maintenance, as may be agreed upon between the companies, or in case they cannot agree, as may be awarded by the majority of three arbitrators, one to be named by each of the companies, and the other by the two so named; but no company shall have the right to use the track of any other company for a greater distance, on any one street, than two hundred yards, without the consent of the proprietor-company.

(2) If for seven days after having received notice in writing of the appointment of an arbitrator, the company notified omits to appoint an arbitrator, or, if for seven days after the second arbitrator has been appointed the two arbitrators omit to appoint a third arbitrator, the judge of the county court of the

the county in which the municipality is situated may appoint an arbitrator for the party in default, or a third arbitrator, as the case may require. The arbitrators shall have authority to determine by whom, or in what proportion, the costs of the arbitration, reference and award shall be paid.

(3) In case the company using such right is in default in respect of any payment under the said agreement or award, the said company shall have no right to run over the said portion of road so long as the default continues: Provided that in case there is a dispute as to the amount actually owing, the company enjoying the right of user may apply to the judge of the county court for an order that it should continue to have such right; which order the said judge may make, upon such terms and conditions as to security and otherwise as he deems just; and the said judge may rescind, or from time to time vary, such order as occasion may require.

(4) If the part used is partly in each of two or more counties, the application shall be made to the judge of the county in which the greater portion of the part used is situate, or to the judge for the time being acting for him in the county.

(5) From time to time, after an agreement or award has been in force for five years, either company may give notice of its desire to terminate the arrangement, and thereupon the companies shall settle anew, by agreement, or by arbitration under this Act, the amount or proportion to be paid, and upon a new agreement being entered into, or a new award made, the former arrangement shall cease.

(6) Any Street Railway Company may, with the consent by by-law, of the local municipal council, and subject to any terms in the by-law set out, cross the line of any Street Railway Company; but shall pay the expense of altering the rails so as to permit thereof.

(7) In case any Street Railway Company desires to cross the line of a railway company, within the legislative authority of this Province, not being a Street Railway Company, and such company objects, the Street Railway Company shall first obtain the sanction of the Commissioner of Public Works to the proposed crossing, and the mode of construction thereof. The Street Railway Company shall pay the expense of altering the rails of the line intended to be crossed, so as to permit of such crossing. The Commissioner shall, before giving his sanction, give to the objecting company an opportunity to be heard, and may impose such terms as to cost of maintenance, and as to other matters in connection therewith, as he deems proper.

Expropriation of land, when and to what extent allowed.

16. In case the council of any municipality shall by resolution declare that such council is of opinion that a company incorporated with power to construct a railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth

forth in the resolution, and situated within the municipality, and if the judge of the county court of the county certifies that in his opinion the building of the proposed railway between the said points will be of considerable public advantage or convenience,—the company, upon registering the resolution and certificate in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under the clauses of "*The Railway Act of Ontario*," headed "Lands and their Valuation."

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land, as well as the total amount to be paid to compensate the owners, or for damages.

(4) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara, and for a width inland of one mile from the said River Niagara.

R.S.O. c. 174, s. 506, to apply to certain by-laws and resolutions.

17. The by-law mentioned in the fourth section, and the resolutions mentioned in the fifteenth and sixteenth sections, are subject to the conditions and provisions of section 506 of "*The Municipal Act.*"

Time for which municipality may grant privileges.

18. No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty years, but at the expiration of twenty years from the time of passing the first by-law which is acted upon conferring the right of laying rails upon any street, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving six months' notice prior to the expiration of the period limited, assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of the value thereof, to be determined by arbitration.

(2) In case the corporation fails to exercise the right of assuming the ownership of the railway, at the expiration of the said period, the said corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council.

Mode in which right to purchase to be exercised as be-

19. If the company's line or lines is or are situated in two or more municipalities, the municipality in which the greater mileage of the company's line or lines is or are situate, shall have

have the right to exercise the power of purchase herein conferred, unless the municipal councils shall agree otherwise between themselves; and the corporation purchasing shall thereafter possess all the powers and authorities theretofore enjoyed by the company, and shall, as to other municipalities into which the line runs, be subject to the like liabilities; provided that where the municipalities are not all of the same character, they shall, independently of the length of mileage, exercise the right of purchase in the following order of preference, namely: first, a city; second, a town; third, a village; fourth, a township. tween different municipalities interested.

20. The council of a municipality into which a railway runs may at any time after the right of assuming the ownership of the railway accrues to such municipality, or to any other municipality, require that the terms upon which the railway shall be operated in such municipality be determined by arbitration under "*The Municipal Act*," and the terms, unless the parties in the meantime agree, shall be settled accordingly, and such arrangement shall remain in force for ten years. Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a municipality to assume the ownership of the railway at the expiration of any fifth year.

21. A company to which any lines of railway have been transferred by a municipal corporation, shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer. Application of preceding section.

22. The municipal corporation purchasing may, at any time, transfer its rights to its railway lines or any of them, and the whole or any part of the plant of the railway, to any railway company authorized to operate a railway; subject, however, to the provisions of the eighteenth section as to such railway and plant being assumed by a municipal corporation, entitled under that section, at the expiration of twenty years, or of such shorter period as may be agreed upon. Municipality acquiring railway may transfer same to a company.

23. Any private person or firm may, subject to the like conditions, exercise any of the powers which, under this Act, may be exercised by a company. Who may exercise powers hereunder.

24. Nothing in this Act contained shall apply to or affect any street railway company existing or incorporated before the passing of this Act, except only the fourth sub-section of the fourth clause. Application of Act.

25.

R.S.O. c. 165, to apply only so far as expressly mentioned.

25. No other parts of the Railway Act of Ontario, except those expressly hereinbefore mentioned, shall apply to a company, person or firm owning or operating a street railway under this Act.

CHAPTER 17.

An Act to amend the Act respecting Market Fees.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

45 V. c. 24, s. sub-sec. 3, amended.

1. The third sub-section of section eight of the Act relating to Market Fees passed in the forty-fifth year of Her Majesty's reign, chaptered twenty-four, is amended by adding the following thereto: "but this sub-section shall not apply to grain, seeds, dressed hogs, or wool; provided always that where the market fees have been sold or leased in any municipality for the year 1883 this section shall not come into force in such municipality until the first day of January, 1884."

45 V. c. 24, s. 10, amended.

2. Section ten of the said Act, relating to market fees, is amended by adding the following thereto: "Provided further, that after nine o'clock in the forenoon, between the first day of April and the first day of November, and after ten o'clock in the forenoon, between the first day of November and the first day of April, no person shall be compelled to remain on, or resort to, any market-place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-place."

Right to lease market fees.

3. Subject to the provisions of the said Act hereby amended, and of this Act, and notwithstanding anything contained in section thirty-five of the Municipal Amendment Act of 1881, every municipality shall hereafter have, and shall be held to have had, since the first day of April, one thousand eight hundred and eighty-two, the power to sell, assign, or lease its market fees.

CHAPTER

CHAPTER 18.

An Act to consolidate the Acts respecting Municipal Institutions.

[*Assented to* 1*st February*, 1883.]

PRELIMINARY ss. 1, 2.

PART I.—MUNICIPAL ORGANIZATION.

Title I. *Incorporation*, ss. 3-8.
II. *New Corporations.*
Division I. Villages, ss. 9-16.
" II. Towns and Cities, ss. 17-26.
" III. Townships, ss. 27-34.
" IV. Counties, ss. 35-37.
" V. Provisional County Corporations, ss. 38-52.
" VI. Matters Consequent upon the formation of New Corporations, ss. 53-63.

PART II.—MUNICIPAL COUNCILS, HOW COMPOSED.

Title I. *The Members.*
Division I. In Counties, ss. 64-67.
" II. In Cities, s. 68.
" III. In Towns, s. 69.
" IV. In Incorporated Villages, s. 70.
" V. In Townships, s. 71.
" VI. In Provisional Corporations, s. 72.

Title II. *Qualification, Disqualification and Exemptions.*
Division I. Qualification, ss. 73-76.
" II. Disqualification, s. 77.
" III. Exemptions, s. 78.

PART III.—MUNICIPAL ELECTIONS.

Title I. *Electors.*
Division I. Qualification, ss. 79-87.
Title II. *Elections.*
Division I. Time and place of holding, ss. 88-96.
" II. Returning Officers and Deputy Returning Officers, ss. 97-101.
" III. Oaths, ss. 102-106.
" IV. Proceedings Preliminary to the Poll, ss. 107-140.
" V. The Poll, ss. 141-160.
" VI. Miscellaneous Provisions, ss. 161-175.
" VII. Vacancies in Council, ss. 176-184.
" VIII. Controverted Elections, ss. 185-206.
" IX. Prevention of Corrupt practices, ss. 207-220.

PART IV.—MEETINGS OF MUNICIPAL COUNCILS.

Division I. When and where held, ss. 221-230.
" II. Conduct of business, ss. 231-240.

PART

PART V.—OFFICERS OF MUNICIPAL CORPORATIONS.

Division I. The Head, ss. 241, 242.
" II. The Clerk, ss. 243-251.
" III. The Treasurer, ss. 252-255.
" IV. Assessors and Collectors, ss. 256-259.
" V. Aditors and Audit, ss. 260-270.
" VI. Valuators, s. 271.
" VII. Duties of Officers as to Oaths, &c., ss. 272-279.
" VIII. Salaries, Tenure of Office, and Security, ss. 280-283.

PART VI.—GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

Title I. *General Jurisdiction of Councils.*
Division I. Nature and extent, ss. 284-288.

Title II. *Respecting By-Laws.*
Division I. Authentication of, ss. 289-291.
" II. Objections by Ratepayers, ss. 292, 293.
" III. Voting on by Electors, ss. 294-330.
" IV. Confirmation of, ss. 331-333.
" V. Quashing, ss. 334-341.
" VI. By-laws creating Debts, ss. 342-358.
" VII. By-laws respecting Yearly Rates, ss. 359-370.
" VIII. Anticipatory appropriations, ss. 371-373.

Title III. *Respecting Finance.*
Division I. Accounts and Investments, ss. 374-384.
" II. Commission of Enquiry into Finances, ss. 385, 386.

Title IV. *Arbitrations.*
Division I. Appointment of Arbitrators, ss. 387-398.
" II. Procedure, ss. 399-405.

Title V. *Debentures and other Instruments*, ss. 406-415.

Title VI. *Administration of Justice and Judicial Proceedings.*
Division I. Justices of the Peace, ss. 416-420.
" II. Penalties, ss. 421-424.
" III. Witnesses and Jurors, ss. 425-427.
" IV. Convictions under By-laws, s. 428.
" V. Execution against Municipal Corporations, ss. 429, 430.
" VI. Tender of amends, s. 431.
" VII. Contracts void alike in Law and Equity, s. 432.
" VIII. Police Office and Police Magistrate, ss. 433, 434.
" IX. Board of Commissioners of Police and Police Force in Cities and Towns, ss. 435-450.
" X. Court-houses, Gaols, &c., ss. 451-479.
" XI. Investigation as to Municipal Officers and Governments, s. 480.
" XII. When Mayor may call out *posse comitatus*, s. 481.

PART VII.—POWERS OF MUNICIPAL COUNCILS.

Title I. *Powers Generally.*
Division I. Counties, Townships, Cities, Towns, and Incorporated Villages, ss. 482-489.
" II. Townships, Cities, Towns, and Incorporated Villages, ss. 490-493.
" III. Counties and Cities, s. 494.
" IV. Counties, Cities, Sep. Towns, s. 495.
" V. Cities, Towns, and Incorporated Villages, ss. 496-503.

Division

Division VI. Cities, Towns, ss. 504-508.
" VII. Townships, Towns and Villages, s. 509.
" VIII. Towns and Incorporated Villages, s. 510.
" IX. Counties, ss. 511-520.
" X. Townships, ss. 521-523.

Title II. *Powers as to Highways and Bridges.*

Division I. General Provisions, ss. 524-549.
" II. Counties, Townships, Cities, Towns, and Incorporated Villages, ss. 550-554.
" III. Townships, Cities, Towns, and Incorporated Villages, ss. 555-564.
" IV. Counties, s. 565.
" V. Townships, ss. 566-569.

Title III. *Powers as to Drainage and other Improvements paid for by Local Rates.*

Division I. Townships, Cities, Towns, and Villages, ss. 570-611.
" II. Cities, Towns, and Incorporated Villages, ss. 612-624.
" III. Counties, ss. 625-627.

Title IV. *Powers as to Railways*, ss. 628-631.

PART VIII.—POLICE VILLAGES.

Division I. Formation of, ss. 632, 633.
" II. Trustees, and Election of, ss. 634-654.
" III. Duties of Police Trustees, ss. 655-665

CONFIRMING AND SAVING CLAUSES, ss. 666-668.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as "*The Consolidated Municipal Act*, 1883." Short title.

2. Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, they shall have the meanings hereinafter expressed, namely: Interpretation of words.

(1) "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act; "Municipality."

(2) "Local Municipality," shall mean a City, Town, Township, or incorporated Village; "Local municipality."

(3) "Council," shall mean the Municipal Council or Provisional Municipal Council, as the case may be; "Council."

(4) "County," shall mean County, Union of Counties or United Counties, or Provisional County, as the case may be; "County."

(5)

"Township." (5) "Township," shall mean Township, Union of Townships or United Townships, as the case may be;

"County Town." (6) "County Town," shall mean the City, Town, or Village in which the Assizes for the County are held;

"Land." "Real estate." "Real property." (7) "Land," "Lands," "Real Estate," "Real Property," shall respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein;

"Highway." "Road." "Bridge." (8) "Highway," "Road," or "Bridge," shall mean a Public Highway, Road, or Bridge, respectively;

"Electors." (9) "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, in the Municipality, Ward, Polling Subdivision, or Police Village, as the case may be;

"Reeve." (10) "Reeve," shall include the Deputy Reeve or Deputy Reeves, where there is a Deputy Reeve for the Municipality, except in so far as respects the office of a Justice of the Peace;

"Next day." (11) The words "next day" shall not apply to, or include Sunday or Statutory Holidays. R. S. O. c. 174, s. 2. (36 V. c. 48, s. 1; 40 V. c. 8, s. 46.)

PART I.

OF MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.
TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—*Secs.* 3–8.

Existing municipal corporations continued.

3. The inhabitants of every County, City, Town, Village, Township, Union of Counties, and Union of Townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such Corporation respectively then established. R. S. O. c. 174, s. 3. (36 V. c. 48, s. 2.)

Heads, officers, by-laws, contracts, etc., continued.

4. The head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of every Municipal Corporation, when this Act takes effect, shall be deemed the head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of such Corporation, as continued under and subject to the provisions of this Act. R. S. O. c. 174, s. 4. (36 V. c. 48, s. 3.)

5. The name of every body corporate (not being a provisional corporation) continued, or erected under this Act, shall be "*The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships,* (as the case may be) *of* " (naming the same). R. S. O. c. 174, s. 5. (36 V. c. 48, s. 4.) Names of municipal corporations.

6. The inhabitants of every Junior County, upon a Provisional Council being or having been appointed for the County, shall be a body corporate under the name of "*The Provisional Corporation of the County of* " (naming it). R. S. O. c. 174, s. 6. (36 V. c. 48, s. 5.) Names of provisional corporations.

7. The inhabitants of every County, or Union of Counties erected by proclamation into an independent County or Union of Counties, and of every Township or Union of Townships, erected into an independent Township or Union of Townships, and of every locality erected into a City, Town, or incorporated Village, and of every County or Township separated from any incorporated Union of Counties or Townships, and of every County or Township, or of the Counties or Townships, if more than one, remaining of the Union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. R. S. O. c. 174, s. 7. (36 V. c. 48, s. 6.) Inhabitants of counties, townships, etc., and of cities, towns, etc., to be a body corporate.

8. The powers of every body corporate under this Act shall be exercised by the Council thereof. R. S. O. c. 174, s. 8. (36 V. c. 48, s. 7.) Corporate powers to be exercised by councils.

TITLE II.—NEW CORPORATIONS.

DIV. I.—VILLAGES.
DIV. II.—TOWNS AND CITIES.
DIV. III.—TOWNSHIPS.
DIV. IV.—COUNTIES.
DIV. V.—PROVISIONAL COUNTY CORPORATIONS.
DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

DIVISION I.—VILLAGES.

When a Village may be incorporated. Sec. 9.
Restrictions as to area of Towns and Villages. Sec. 10.
Arrangements with respect to assets and debts of Townships. Sec. 11.
Case of Village partly in two Counties provided for. Sec. 12.
Arrangement as to debts when Village transferred from one County to another. Sec. 13.

Additions

Additions to area. *Sec.* 14.
Reductions of area. *Sec.* 15.
Annexation of incorporated Village to adjoining Municipality. *Sec.* 16.

When population 750 county council may incorporate as a village, and name place for first election and a returning officer.

9. When the census returns of an unincorporated Village, with its immediate neighbourhood, taken under the direction of the Council or Councils of the County or Counties in which the Village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated Village, then, on petition by not less than 100 resident freeholders and householders of the Village and neighbourhood, of whom not fewer than one-half shall be freeholders, the Council or Councils of the County or Counties in which the Village and neighbourhood are situate shall, by by-law, erect the Village and neighbourhood into an incorporated Village, apart from the Township or Townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same. R. S. O. c. 174, s. 9. (36 V. c. 48, s. 8, *part.*)

Area of town or village limited.

10. No Town or Village incorporated after the passing of this Act, the population of which does not exceed 1000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Regulations as to enlargement of area.

(2) No Town or Village already or hereafter incorporated, and containing a population exceeding 1000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1000 souls, subsequent to the first 1000.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(3) In the case of all Towns or Villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1000 souls, and 200 acres for each subsequent additional 1000, then in all such cases the said Towns or Villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

How population and area may be reckoned.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any Town or Village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such Town or Village; and the land occupied by streets or public squares may be excluded in estimating the area of such Town or Village. R. S. O. c. 174, s. 10. (36 V. c 48, s. 8, *last part.*)

Disposition of property and payment of

11. In all cases where an incorporated Village is separated from the Township or Townships in which it is situate, the provisions

visions of this Act for the disposition of the property, and payments of debts, upon the dissolution of a Union of Townships, shall be applicable as if the localities separated had been two Townships, and the Councils of such Village and Township or Townships shall respectively perform the like duties as by such provisions devolve upon the Councils of separated Townships, the said Village being considered as the Junior Township. R. S. O. c. 174, s. 11. (36 V. c. 48, s. 9.)

debts when incorporated village is separated from township.

12. When the newly incorporated Village lies within two or more Counties, the Councils of the Counties shall, by by-law annex the Village to one of the Counties; and if within six months after the petitions for the incorporation of the Village are presented, the Councils do not agree to which County the Village shall be annexed, the Wardens of the Counties shall memorialize the Lieutenant-Governor in Council, setting forth the grounds of difference between the Councils; and thereupon the Lieutenant-Governor shall, by proclamation, annex the Village to one of such Counties.

When the village lies within two or more counties, it shall be annexed to one of them by the county councils or, in case of difference, by the Lieut.-Governor.

(2) In case the Wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor as aforesaid, then 100 of the freeholders and householders on the census list may petition the Lieutenant-Governor to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated Village to one of the said Counties. R. S. O. c. 174, s. 12. (36 V. c. 48, ss. 10, 11.)

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

13. In case any locality is, under section 12 of this Act, detached from one County and annexed to another, the Council of the County to which the locality is annexed and the Council of the Village shall agree with the Council of the County from which such locality is detached, as to the amount (if any) of the County liabilities which should be borne by the locality so detached, and the times of payment thereof.

Liability of territory detached from one county and annexed to another.

(2) If the Councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the County to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of County debts or for the payment of bonuses or aids granted by sections of the County to railways, or for the payment of local improvement debts.

(3) The Council of the County or of the Village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such Council has previously paid the amount to the Municipality so liable, pay over the same when collected to the Municipality

cipality which is liable for the debt on account of which the rates were imposed.

(4) Where the said Councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the said Village, and with the assent of at least two of the Councils of the Townships in which the said Village is situate, annul the incorporation of the said Village and restore the same to its former position as an unincorporated Village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. R. S. O. c. 174, s. 13. (37 V. c. 16, s. 1.)

Addition to villages by Lieutenant-Governor.

14. In case the Council of an incorporated Village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 10 of this Act, by proclamation add to the Village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the Village, it may seem desirable to add thereto; and in case the territory so added belonged to another County, it shall thenceforward, for all purposes, cease to belong to such other County, and shall belong to the same County as the rest of the Village. R. S. O. c. 174, s. 14. (36 V. c. 48, s. 12; 40 V. c. 7, *Sched.* A (168).)

Reducing the area of villages or towns.

15. The County Council of any County or Union of Counties, upon the application by petition of the Corporation of any incorporated Village or Town not withdrawn from the County, and with a population, as ascertained by the last Municipal enumeration, not exceeding 2000 whose outstanding obligations and debts do not exceed double the net amount of the yearly rate, then last levied and collected therein, may, in their discretion, by by-law in that behalf reduce the area of such Village or Town by excluding from it lands used wholly for farming purposes.

New limits to be defined.

(2) Such by-law shall define, by metes and bounds, the new limits intended for such incorporated Village or Town.

Population not to be reduced below 750.

(3) No incorporated Village or Town shall, by any such change of boundaries, be reduced in population below the number of 750 souls.

Municipal rights of village or town not to be abridged.

(4) The municipal privileges and rights of such Village or Town shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. R. S. O. c. 174, s. 15; 45 V. c. 23, s. 2. (36 V. c. 48, s. 13.)

An incorporated village may become unincorporated and may

16. In case the Council of an incorporated Village pass a resolution by a two-thirds vote of the members thereof, declaring that it is expedient that such Village should become unincorporated, and such resolution is approved by the electors in

in the manner required for by-laws creating debts; and in case the Council of an adjoining Municipality, or of two or more of the adjoining Municipalities, pass a resolution or resolutions approving of the territory comprised in the said Village being annexed to such Municipality or Municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the said Village, and annexing the territory included therein to such Municipality or Municipalities. be annexed to an adjoining municipality.

(2) If the said territory is annexed to one Municipality, such Municipality shall be liable for the debts of the Village, and shall be entitled to its assets, but if such territory is annexed to two or more Municipalities, the Councils of such Municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion of the debt of the Village to be borne by them respectively, and as to the assets, or proportion of the assets of the said Village, which such Municipalities shall respectively receive, and such Municipalities shall respectively be liable for the proportion of indebtedness as determined by the agreement or award.

(3) If the award or agreement instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any Municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said Municipalities as the denominator, shall be the proportion of the entire debt to be borne by such Municipality, whether or not such debt is accurately stated in the agreement or award.

(4) It may be part of the arrangement between the said Village and the Municipality or Municipalities that the Village shall for a time be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the Municipality with which the Village, or part of it, is to be united.

(5) In case the Municipalities proposing to receive parts of the territory comprised in the Village are in different Counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the Councils, and unless such Councils have previously agreed, or shall within three months of the issue of a proclamation under this section agree, as to the proportions in which the share of the County debt, which is referable to such Village, shall be borne by the several Counties, the same shall be determined by arbitration under this Act.

(6) Where part of the said Village is to be attached to a City or Town separated from the County for Municipal purposes, such separated City or Town shall be deemed a County within the meaning of the next preceding sub-section. *New.*

Division II.—Towns and Cities.

Towns and Cities, how formed, and limits. *Secs.* 17–19.
Restrictions as to area of Towns. *Sec.* 10.
Wards, and additions to area. *Secs.* 20–22.
Annexation of incorporated Villages or Towns to adjacent Villages, Towns, or Cities. *Sec.* 23.
Collection of arrears of taxes in new Towns. *Sec.* 24.
Towns, how withdrawn from and re-united to jurisdiction of County. *Secs.* 25, 26.

Census of towns and villages.

17. A census of any Town or incorporated Village may at any time be taken under the authority of a by-law of the Council thereof. R. S. O. c. 174, s. 16. (36 V. c. 48, s. 14.)

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

18. In case it appears by the census return taken under any such by-law, or under any statute, that a Town contains over 15,000 inhabitants, the Town may be erected into a City; and in case it appears by the return that an incorporated Village contains over 2000 inhabitants, the Village may be erected into a Town; but the change shall be made by means of and subject to the following proceedings and conditions:—

Notice to be given.

(1) The Council of the Town or Village shall, for three months after the census return, insert a notice in some newspaper published in the Town or Village, or, if no newspaper is published therein, then the Council shall, for three months, post up a notice in four of the most public places in the Town or Village, and insert the same in a newspaper published in the County Town of the County in which the Town or Village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said Town or Village, setting forth in the notice the intention of the Council to apply for the erection of the Town into a City, or of the Village into a Town, and stating the limits intended to be included therein;

Census returns to be certified, and publication of notice proved.

(2) The Council of the Town or Village shall cause the census returns to be certified to the Lieutenant-Governor, in Council, under the signature of the head of the Corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council; then, in the case of a Village, the Lieutenant-Governor may, by proclamation, erect the Village into a Town by a name to be given thereto in the proclamation;

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

(3) In case the application is for the erection of a Town into a City, the Town shall also pay to the County of which it forms part, such portion, if any, of the debts of the County as may be just, or the Council of the Town shall agree with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement the same shall

shall be determined by arbitration under this Act; and upon the Council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the Town into a City, by a name to be given thereto in the proclamation. R. S. O. c. 174, s. 17. (36 V. c. 48, s. 15.) Town may be made a city by proclamation.

19. The Lieutenant-Governor may include in the new Town or City such portions of any Township or Townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new Town or City, the Lieutenant-Governor may consider desirable to attach thereto. R. S. O. c. 174, s. 18. (36 V. c. 48, s. 16.) Limits of such new town or city.

20. The Lieutenant-Governor may divide the new Town or City into Wards, with appropriate names and boundaries, but no Town shall have less than three Wards, and no Ward in any such Town or City less than 500 inhabitants. R. S O. c. 174, s. 19. (36 V. c. 48, s. 17.) Wards.

21. In case two-thirds of the members of the Council of a City or Town do, in Council, before the fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into Wards being made of the City or Town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the City or Town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the City or Town, the Lieutenant-Governor may, by proclamation, divide the City or Town or such part thereof into Wards, as may seem expedient, and may add to the City or Town any part of the adjacent Township or Townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. R. S. O. c. 174, s. 20. (36 V. c. 48, s. 18.) New division of wards in cities and towns. Extension of city or town.

22. In case any tract of land so attached to the Town or City belonged to another County, the same shall thenceforward for all purposes cease to belong to such other County, and shall belong to the same County as the rest of the Town or City. R. S. O. c. 174, s. 21. (36 V. c. 48, s. 19.) Where land attached to town, etc., belonged to another county.

23. In case the members of the Council of any incorporated Village or Town pass a resolution affirming the expediency of the annexation of such Village or Town to an adjacent Village, Town or City, and the Municipal Council of such last-mentioned Village, Town or City, pass a similar resolution, and in case the electors of such first-mentioned Village or Town adopt a by-law to be submitted to them approving of such annexation, the Lieutenant-Governor in Council may, by proclamation, annex one Annexation of incorporated villages or towns to adjacent villages, towns or cities by proclamation.

one Municipality to the other, upon such terms as may have been agreed upon by the Councils, or as may have been determined by arbitration, in case the Councils resolve to have the terms settled by arbitration.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the Municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a Village, Town or City.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the Village or Town to which the addition is made, into a Town or City, by a name to be given thereto in the proclamation, and may divide or re-divide the City, Town or Village into wards. *New.*

Collection of arrears of taxes due on land included in a new town.

24. Upon the incorporation of any new Town, in any County, the County Treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situate in the newly incorporated Town, and transmit the same to the Treasurer of the Town, who, after receipt of said list, shall have, with the Mayor, all the powers possessed by the County Treasurer and Warden for the collection of such taxes and for enforcement of the same by sale; but in such list the County Treasurer shall not include any lot then advertised for sale for taxes. 44 V. c. 25, s. 11.

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

25. The Council of any Town may pass a by-law to withdraw the Town from the jurisdiction of the Council of the County within which the Town is situated, upon obtaining the assent of the electors of the Town to the by-law in manner provided by this Act, subject to the following provisions and conditions:—

Amount to be paid by town to county for expenses of administration of justice to be settled by agreement or arbitration.

(1) After the final passing of the by-law, the amount which the Town is to pay to the County for the expenses of the administration of justice, the use of the Gaol, and the erection and repairs of the Registry Office, and for providing books for the same, and for services for which the County is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to be continued;

Matters to be considered in settling the same.

(2) In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the Town, or which the Town is then liable to pay, for the construction of roads or bridges by the County without the limits of the Town; and also what the County has paid, or is liable to pay, for the construction of roads or bridges within

within the Town; and they shall also ascertain and allow to the Town the value of its interest in all County property, except roads and bridges within the Town;

Copy of agreement or award to be sent to the Lt.-Gov.

(3) When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the Town from the jurisdiction of the Council of the County;

Proclamation.

Effect of such proclamation.

(4) After the proclamation has been issued, the offices of Reeve and Deputy Reeve or Deputy Reeves of the Town shall cease; and no by-law of the Council of the County thereafter made shall have any force in the Town, except so far as relates to the care of the Court House and Gaol, and other County property in the Town; and the Town shall not thereafter be liable to the County for, or be obliged to pay to the County, or into the County treasury any money for County debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

New agreement or award after five years.

(5) After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the Town to the County for the expenses of the administration of justice, the use of the Gaol, erection and repairs of the Registry Office or offices, the providing books for the same, and for services for which the County is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands;

Property after withdrawal.

(6) After the withdrawal of a Town from the County all property theretofore owned by the County, except roads and bridges within the Town, shall remain the property of the County. R. S. O. c. 174, s. 22. (36 V. c. 48, s. 20.)

Town may after five years from withdrawal pass by-law for re-union with county.

26. The Council of any Town which has withdrawn from a County, or Union of Counties, may, after the expiration of five years from such withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such County or Union of Counties.

By-law to have no effect until ratified by council of county, etc.

(2) The said by-law shall have no effect unless ratified and confirmed by the Council of the County or Union of Counties, from which the said Town had previously withdrawn, within six months after the passing of the said by-law, and unless the terms and conditions which the Town shall pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:—

Before by-law ratified, the amounts of the debts of town and

(3) Before the said by-law is confirmed by the Council of the County, the Councils of the Town and County shall determine by agreement the amounts of the debts of the Town and County

county respectively shall be determined.

County respectively which shall be paid or borne by the County after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the Town, over and above all other County rates, and all other matters relating to property, assets, or advantages consequent upon such re-union, and as affecting the County or Town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the Council of the Town, the said matters shall be settled by arbitration, as provided by this Act. R. S. O. c. 174, s. 23. (36 V. c. 48, s. 21.)

DIVISION III.—TOWNSHIPS.

Townships, how attached to other Municipalities. *Sec.* 27.
When Junior Township may become a Separate Corporation. *Secs.* 28, 29.
Arrangement of joint assets and debts. *Sec.* 30.
New Townships—Union of. *Secs.* 30, 31.
Seniority of Townships. *Sec.* 33.
Effect of dissolution of union of Counties on united Townships in different Counties. *Sec.* 34.

New township beyond limits of incorporated county may be attached to a county by proclamation.

27. In case a Township is laid out by the Crown in territory forming no part of an incorporated County, the Lieutenant-Governor may, by proclamation, annex the Township, or two or more of such Townships lying adjacent to one another, to any adjacent incorporated County, and erect the same into an incorporated Union of Townships with some other Township of such County. R. S. O. c. 174, s. 24. (36 V. c. 48, s. 22.)

Junior township containing 100 freeholders, etc., may be separated from union.

28. When a Junior Township of an incorporated Union of Townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such Township shall, upon the first day of January next after the passing of the proper by-law in that behalf by the County Council, become separated from the Union. R. S. O. c. 174, s. 25. (36 V. c. 48, s. 23.)

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

29. In case a Junior Township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the Township petition the Council of the County to separate the Township from the Union to which it belongs, and in case the Council considers the Township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining Township for municipal purposes, the Council may, by by-law,

law, separate the same from the Union; and the by-law shall name the Returning Officer who is to hold, and the place for holding, the first election under the same.

and attached to an adjoining municipality.

(2) In case two-thirds of the resident freeholders and householders of one or more Junior Townships petition the Council of the County to be separated from the Union to which they belong, and to be attached to some other adjoining Municipality, and in case said Council considers that the interest and convenience of the inhabitants of such Township or Townships would be promoted thereby, they may, by by-law, separate such Township or Townships from said Union, and attach them to some other adjoining Municipality. R. S. O. c. 174, s. 26. (36 V. c. 48, s. 24.)

Disposition of property upon dissolution of unions.

30. After the dissolution of a Union of Townships, the following shall be the disposition of the property of the Union:

Real property.

(1) The real property of the Union situate in the Junior Township, shall become the property of the Junior Township;

(2) The real property of the Union situate in the remaining Township or Townships of the Union shall be the property of the remaining Township or Townships;

Other assets.

(3) The two Corporations shall be jointly interested in the other assets of the Union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement as to property and debts.

(4) The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the Union, and in respect to the debts of the Union, such sum or sums of money as may be just;

How to be determined in case of disagreement.

(5) In case the Councils of the Townships do not, within three months after the first meeting of the Council of the Junior Township, agree as to the disposition of the personal property of the Union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act;

Amount settled to bear interest.

(6) The amount so agreed upon or settled shall bear interest from the day on which the Union was dissolved; and shall be provided for by the Council of the indebted Township like other debts. R. S. O. c. 174, s. 27. (36 V. c. 48, s. 25.)

New townships, etc., within the limits of incorporated counties, to be united to adjacent townships, and how.

31. In case a Township is laid out by the Crown in an incorporated County or Union of Counties, or in case there is any Township therein not incorporated and not belonging to an incorporated Union of Townships, the Council of the County or United Counties shall, by by-law, unite such Townships, for municipal purposes, to some adjacent incorporated Township, or Union of Townships in the same County or Union of Counties. R. S. O. c. 174, s. 28. (36 V. c. 48 s. 27.)

32.

Townships not incorporated or united may be formed into unions.

32. In case of there being at any time in an incorporated County or Union of Counties two or more adjacent Townships not incorporated, and not belonging to an incorporated Union of Townships; and in case such adjacent Townships have together not less than 100 resident freeholders and householders within the same, the Council of the County or Union of Counties may, by by-law, form such Townships into an independent Union of Townships. R. S. O. c. 174, s. 29. (36 V. c. 48, s. 28.)

Seniority of united townships, how regulated.

33. Every proclamation or by-law forming a Union of Townships shall designate the order of seniority of the Townships so united; and the Townships of the Union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such Townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or County Council may think fit. R. S. O. c. 174. s. 30. (36 V. c. 48, s. 29; 40 V. c. 8, s. 47.)

Effect of dissolution of union of counties on united townships in different counties.

34. In case the United Townships are in different Counties the by-law shall cease to be in force whenever the Union of the Counties is dissolved. R. S. O. c. 174, s. 31. (36 V. c. 48, s. 30.)

Division IV.—Of Counties.

Counties, how formed. *Sec.* 35.
Seniority of united Counties. *Sec.* 36.
Laws applicable to union of Counties. *Sec.* 37.

New counties how formed by proclamation, and annexed or united.

35. The Lieutenant-Governor may, by proclamation, form into a new County any new Townships not within the limits of an incorporated County, and may include in the new County one or more unincorporated Townships or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated County, and may annex the new County to any adjacent incorporated County; or in case there is no adjacent incorporated County, or in case the Lieutenant-Governor in Council considers the new County, or any number of such new Counties lying adjacent to one another, and not belonging to any incorporated Union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated County for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new County, or new adjacent Counties, into an independent County or Union of Counties for the said purposes, and the proclamation shall name the new County or Counties. R. S. O. c. 174, s. 32. (36 V. c. 48, s. 31.)

36.

36. In every Union of Counties, the County in which the County Court House and Gaol are situate shall be the Senior County, and the other County or Counties of the Union shall be the Junior County or Counties thereof. R. S. O. c. 174, s. 33. (36 V. c. 48, s. 32.) Seniority of united counties, how regulated.

37. During the union of Counties, all laws applicable to Counties (except as to representation in Parliament or the Legislative Assembly and registration of titles) shall apply to the Union as if the same formed but one County. R. S. O. c. 174, s. 34. (36 V. c. 48, s. 33.) Laws applicable to union of counties.

Division V.—Of Provisional County Corporations.

Provisional Corporations, formed by separation of Junior County. Sec. 38.
Provisional officers. Secs. 39, 40.
Property may be acquired on which to erect Gaol and Court House. Sec. 41.
Powers of Provisional Council not to interfere with united Corporation. Sec. 42.
Arrangement of joint assets and liabilities. Secs. 43–45.
Appointment of officials. Sec. 46.
Separation, when complete. Secs. 47, 48.
Effect of separation on judicial proceedings. Secs. 49–52, *and* 29–30 *V. c.* 51, *ss.* 52, 53, 55.

38. Where the census returns taken under a statute, or under the authority of a by-law of the Council of any United Counties, shew that the Junior County of the Union contains 17,000 inhabitants or more, then if a majority of the Reeves and Deputy Reeves of such County do, in the month of February, pass a resolution affirming the expediency of the County being separated from the Union; and if, in the month of February in the following year, a majority of the Reeves and Deputy Reeves transmit to the Lieutenant-Governor in Council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the Junior County such as to call for a separate establishment of Courts and other County institutions, he may, by proclamation setting forth those facts, constitute the Reeves and Deputy Reeves in that County a Provisional Council, and in the proclamation appoint a time and place for the first meeting of the Council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the County Town. R. S. O. c. 174, s. 35. (36 V. c. 48, s. 34.) Separation of united counties. Appointment by proclamation of provisional council in junior county. First meeting thereof. County town.

39. The member so appointed shall preside in the Council until a Provisional Warden has been elected by the Council from among the members thereof. R. S. O. c. 174, s. 36. (36 V. c. 48, s. 35.) Who to preside.

40.

Appointment of provisional warden and other officers.

Terms of office.

40. Every Provisional Council shall from time to time by by-law appoint a Provisional Warden, a Provisional Treasurer, and such other provisional officers for the County as the Council deems necessary. The Provisional Warden shall hold office for the municipal year for which he is elected, and the Treasurer and other officers so appointed shall hold office until removed by the Council. R. S. O. c. 174, s. 37. (36 V. c. 48, s. 36.)

Provisional council may acquire land, and erect thereon gaol and court house.

41. Every Provisional Council may acquire the necessary property at the County Town of the Junior County on which to erect a Court House and Gaol, and may erect a Court House and Gaol thereon, adapted to the wants of the County, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. R. S. O. c. 174, s. 38. (36 V. c. 48, s. 37.)

Respective powers of provisional council and council of union.

42. The powers of a Provisional Council shall not interfere with the powers of the Council of the Union, and any money raised by the Provisional Council in the Junior County shall be independent of the money raised therein by the Council of the Union. R. S. O. c. 174, s. 39. (36 V. c. 48, s. 38.)

Agreement upon dissolution as to joint liabilities and joint assets.

Senior county to assume debts of union. Junior county to be charged with just proportion.

43. After a Provisional Council has procured the necessary property, and erected thereon the proper buildings for a Court House and Gaol, such Council, and the Council of the Senior or remaining Counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one County to the other, and the times of payment thereof; and in determining such balance the Senior or remaining Counties shall assume the debts of the Union, and the Junior County be charged with such part thereof as may be just, and the value of the real estate, which upon the separation, becomes the property of the Senior or Junior County respectively, and any improvement effected by the Union which either County gets the exclusive benefit of, shall also be taken into account. R. S. O. c. 174, s. 40. (36 V. c. 48, s. 39.)

When provisional councillors shall not vote.

44. No member of the Provisional Council shall vote or take any part in the Council of the Union on any question affecting such agreement, or the negotiation therefor. R. S. O. c. 174, s. 41. (36 V. c. 48, s. 40.)

In case of disagreement, disputes to be determined by arbitration.

Payment of amounts found due.

45. In case the Councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the County found liable shall pay to the other County the balance or amount agreed or settled to be due by such County, and such amount

amount shall bear interest at six per centum per annum from the day on which the Union is dissolved, and shall be provided for, like other debts, by the Council of the County liable therefor after separation. R. S. O. c. 174, s. 42. (36 V. c. 48, s. 41.)

Appointment of Sheriff and other officials.

46. After the sum, if any, to be paid by the Junior County to the Senior or remaining County or Counties has been paid or ascertained by agreement or arbitration, a Judge may be appointed, as provided by "*The British North America Act*, 1867," and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a Sheriff, one or more Coroners, a Clerk of the Peace, a Clerk of the County Court, a Registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions, that the appointments are to take effect on the day the Counties become disunited. R. S. O. c. 174, s. 43. (36 V. c. 48, s. 42.)

Final separation of united counties by proclamation.

47. After such appointments are made the Lieutenant-Governor shall, by proclamation, separate the Junior County from the Senior or remaining County or Counties, and shall declare such separation to take effect on the first day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the Union (including Justices of the Peace) shall cease to have any jurisdiction in the Junior County; and the real property of the Corporation of the Union situate in the Junior County shall become the property of the Corporation of the Junior County, and the real property situate in the remaining County or united Counties shall be the property of the Corporation of the remaining County or United Counties; and the other assets, belonging to the Corporation of the Union, shall belong to and be the property of the Senior or Junior County, or Union of Counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the Senior County, or Union of Counties; and in the case of *choses* in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the Senior County or Union of Counties. R. S. O. c. 174, s. 44. (36 V. c. 48, s. 43.)

Property, how divided.

Officers and property, etc., continued.

48. When a Junior County is separated from a Union of Counties, the head and members of the Provisional Council of the Junior County, and the officers, by-laws, contracts, property, assets and liabilities of the Provisional Corporation, shall be the head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the new Corporation. R. S. O. c. 174, s. 45. (36 V. c. 48, s. 44.)

Execution and service of process in hands of sheriff at time of separation.

49. The dissolution of a Union of Counties shall not prevent the Sheriff of any Senior County from proceeding upon and completing the execution or service within the Junior County of any writ of mesne or final process in his hands at the

the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such Sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. R. S. O. c. 174, s. 46. (36 V. c. 48 s. 45.)

Change of place of trial in actions, etc., after separation.

50. If upon a dissolution of a Union of Counties, there is pending an action, or other civil proceeding in which the County Town of the Union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new County. R. S. O. c. 174, s. 47. (36 V. c. 48, s. 46.)

If no special order made, proceedings to be carried on in senior county.

Proviso as to criminal proceedings.

51. In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the Senior County; but nothing in this Act contained shall be construed to affect the provisions of sections 52, 53, and 55 of the Act of the Parliament of the Province of Canada passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered 51, so far as the same relate to criminal proceedings. R. S. O. c. 174, s. 48. (36 V. c. 48, s. 47.)

[*Sections* 52, 53, *and* 55 *of* 29-30 *V. c.* 51, *are as follows:*—

Place of trial after dissolution of unions, to be as ordered by the court or a judge.

52. If upon the dissolution of a Union of Counties, there is pending an action, information, indictment or other judicial proceeding in which the venue is laid in a County of the Union, the Court in which the action, information or indictment is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new County, and all records and papers to be transmitted to the proper officers of such County; and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any Judge of either of the Superior Courts of Common Law may make the order.

If no special order is made.

53. In case no such change be directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the Senior County.

PERSONS IN PRISON.

Indictable offences, how to be disposed of.

55. Any person charged with an indictable offence, who, at the time of the disuniting of a Junior from a Senior County, is imprisoned on the charge in the Gaol of the Senior County, or is under bail or recognizance to appear for trial at any Court in the Senior County, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the Senior County, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the Junior County, in which event the prisoner or recognizance (as the case may be) shall be removed to the latter County and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a County other than that in

in which such proceedings are had, the venue may be laid in the proper County, describing it as "formerly one of the United Counties of" &c.]

Place for holding courts in junior county.

52. All Courts of the Junior County required to be held at a place certain, shall be held in the County Town of the Junior County. R. S. O. c. 174, s. 49. (36 V. c. 48, s. 48.)

Division VI.—Matters Consequent upon the Formation of New Corporations.

By-Laws to continue in force. Secs. 53, 54.
Debts and Liabilities how affected. Secs. 55–59.
Officials and their sureties, how affected. Secs. 60–63.

By-laws in force prior to formation of new corporations to continue in force until altered by council of new corporation.

53. In case any Village is incorporated, or Village or Town (with or without additional area) erected into a Town or City, or a Township or County becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the Council of the new Corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the Council which passed the same. R. S. O. c. 174, s. 50. (36 V. c. 48, s. 51.)

What by-laws bind where limits of a municipality are extended.

54. In case an addition is made to the limits of any Municipality, the by-laws of such Municipality shall extend to the additional limits, and the by-laws of the Municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the Municipality to which the addition has been made. R. S. O. c. 174, s. 51. (36 V. c. 48, s. 52.)

Liability for debts at the time of dissolution.

55. In the case of the erection of any locality into an incorporated Village, or of a Village into a Town, or of a Town into a City, the Village, Town or City shall remain subject to the debts and liabilities to which such locality was previously liable, in like manner as if the same had been contracted or incurred by the new Municipality; and, after the separation of a County or Township from a Union, each County or Township which formed the Union shall remain subject to the debts and liabilities of the Union, as if the same had been contracted or incurred by the respective Counties or Townships of the Union after the dissolution thereof. R. S. O. c. 174, s. 52. (36 V. c. 48, s. 53.)

Debts in case of an extension of limits.

56. After an addition has been made to a Village, Town or City, the Village, Town or City shall pay to the Township or County from which the additional tract has been taken, such part (if any) of the debts of the Township or County as may be

be just; and in case the Councils do not, within three months after the first meeting of the Council of the Municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. R. S. O. c. 174, s. 53. (36 V. c. 48, s. 54.)

Debentures to be issued for debts, and to bind the old and new municipalities.

57. After the formation of a new Corporation by the dissolution of a Union of Counties or Townships, the Council of the Senior or remaining County or Township shall issue its debentures or other obligations for any part of any debt contracted by the Union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the Junior County or Township therefor under this Act; and the Junior County or Township shall be liable therefor as if the same had been issued by the Union before the dissolution. R. S. O. c. 174, s. 54. (36 V. c. 48, s. 55.)

Assessments for year preceding dissolution.

58. All assessments imposed by the Council of the then Corporation for the year next before the year in which the new Corporation is formed by separation therefrom, shall belong to the then Corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former Corporation shall continue to be levied by the new Corporation; and the Treasurer of the new Corporation shall pay over the amount as received to the Treasurer of the Senior or remaining Municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the Senior or remaining Municipality. R. S. O. c. 174, s. 55. (36 V. c. 48, s. 56.)

Special rates for debts continued and to be paid over by treasurer of the junior county.

If the sum paid over exceeds the just amount, the excess may be recovered.

Form of action.

59. In case the amount so paid over as in the last preceding section provided, or to any creditor of the Senior or remaining Municipality, in respect of a liability of the former Corporation, exceeds the sum which, by the agreement or award between the Councils, the new Corporation ought to pay, the excess may be recovered against the Senior or remaining Municipality as for money paid or as for money had and received, as the case may be. R. S. O. c. 174, s. 56. (36 V. c. 48, s. 57.)

Former council and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

60. In case any Village is incorporated, or any Village or Town is erected into a Town or City, or any Township or County becomes separated, the Council and the members thereof having authority in the locality or Municipality immediately previous, shall, until the Council for the Corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or Municipality shall, until dismissed, or until successors are appointed, continue

tinue in their respective offices, with the same powers, duties and liabilities as before. R. S. O. c. 174, s. 57. (36 V. c. 48, s. 58.)

Effect of separation upon public officers and their sureties.

61. The separation of a Junior County or Township from a Union of Counties or Townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the Union who continues a public officer of the Senior County or Township or remaining Counties or Townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the Senior County or Township, or remaining Counties or Townships. R. S. O. c. 174, s. 58. (36 V. c. 48, s. 59.)

Further provisions as to officers and their sureties.

62. All such public officers shall, after the separation, be the officers of the Senior County or Township, or remaining Counties or Townships, as if they had originally been respectively appointed public officers for such Senior County or Township or for such remaining Counties or Townships only. R. S. O. c. 174, s. 59. (36 V. c. 48, s. 60.)

63. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such Senior County or Township, or of such remaining Counties or Townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the Senior or remaining County or Counties, or Township or Townships; but nothing herein contained shall affect the right of new securities being required to be given by any Sheriff or by any Clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. R. S. O. c. 174, s. 60. (36 V. c. 48, s. 61.)

Right to require new securities not affected.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.
TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.
DIV. II.—IN CITIES.
DIV. III.—IN TOWNS.
DIV. IV.—IN INCORPORATED VILLAGES.
DIV. V.—IN TOWNSHIPS.
DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION

DIVISION I.—IN COUNTIES.

Councils. *Sec.* 64.
Certificate of Election. *Secs.* 65–67.

County councils.

64 The Council of every County shall consist of the Reeves and Deputy Reeves of the Townships and Villages within the County, and of any Towns within the County which have not withdrawn from the jurisdiction of the Council of the County, and one of the Reeves or Deputy Reeves shall be the Warden. R. S. O. c. 174, s. 61. (36 V. c. 48, s. 62.)

Certificates as to election and number of freeholders and householders to be filed by Reeves and Deputy Reeves.

65. No Reeve or Deputy Reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a certificate of the Township, Village, or Town Clerk, under his hand, and the seal of the Municipal Corporation, that such Reeve or Deputy Reeve was duly elected, and has made and subscribed the declarations of office and qualification as such Reeve or Deputy Reeve; nor in case of a Deputy Reeve, until he has also filed with the Clerk of the County an affirmation or declaration of the Clerk or other person having the legal custody of the last revised assessment rolls for the Municipality which he represents, that there appear upon such rolls the names of at least 500 freeholders and householders in the Municipality, possessing the same property qualification as voters, for the first Deputy Reeve elected for such Municipality, and that no alteration reducing the limits of the Municipality, and the number of persons possessing the same property qualification as voters, below 500 for each additional Deputy Reeve, has taken place since the said rolls were last revised. R. S. O. c. 174, s. 62. (36 V. c. 48, s. 63.)

Form of certificate as to election, etc.

66. The certificate firstly above-mentioned may be in the following form:—

I, *A. B.*, of , Clerk of the Corporation of the Township (Town *or* Village, *as the case may be*) of , in the County of , do hereby, under my hand and the seal of the said Corporation, certify that *C.D.*, of , Esquire, was duly elected Reeve (*or* Deputy Reeve, *as the case may be*), of the said Township (Town *or* Village, *as the case may be*), and has made and subscribed the declarations of office and qualification as such Reeve (*or* Deputy Reeve, *as the case may be*).

Given under my hand and the seal of the said Corporation of at , in the said Township (Town *or* Village, *as the case may be*), this day of , A.D. 18 .

{ Seal of the Municipal Corporation. }

A. B.
Township (Town *or* Village) *Clerk.*

R. S. O. c. 174, s. 63. (36 V. c. 48, s. 64.)

67.

67. The certificate secondly above-mentioned may be in the following form:— Form of certificate as to number of freeholders and householders.

I, *A. B.*, of , *Gentleman*, Clerk of the Township (Town *or* Village, *as the case may be*) of , in the County of do hereby declare and affirm as follows:—

(1) That I am the person having the legal custody of the last revised assessment roll for the said Township (Town *or* Village, *as the case may be*).

(2) That there appear upon the said roll the names of at least hundred (500 *for each Deputy Reeve*) freeholders and householders in the said Township (Town *or* Village, *as the case may be*), possessing the same property qualification as voters.

(3) That no alteration reducing the limits of the said Municipality, and the number of persons possessing the same property qualification as voters below hundred (500 *for each Deputy Reeve*), has taken place since the said roll was last revised.

A. B.

R. S. O. c. 174, s. 64. (36 V. c. 48, s. 65.)

Division II.—In Cities.

Councils—Sec. 68.

68. The Council of every City shall consist of the Mayor, who shall be the head thereof, and three Aldermen for every Ward, to be elected in accordance with the provisions of this Act. R. S. O. c. 174, s. 65. (36 V. c. 48, s. 66.) City councils.

Division III.—In Towns.

Councils.—Sec. 69.

69. The Council of every Town shall consist of the Mayor, who shall be the head thereof, and of three Councillors for every Ward where there are less than five Wards, and of two Councillors for each Ward where there are five or more Wards; and if the Town has not withdrawn from the jurisdiction of the Council of the County in which it lies, then a Reeve shall be added, and if the Town had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to be voters), then a Deputy Reeve shall be added, and for every additional 500 names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional Deputy Reeve. R. S. O. c. 174, s. 66. (36 V. c. 48, s. 67.) Town Councils.

Reduction of number of councillors.

Provided always that the Council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of Councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 294 and following sections of this Act.

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the Council of the municipality shall, upon the presentation to the Council of a petition of not less than 100 resident municipal electors, asking the Council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 294 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings, in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. 43 V. c. 24, s. 2.

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils.—Sec. 70.

Incorporated Village Councils.

70. The Council of every incorporated Village shall consist of one Reeve, who shall be the head thereof, and four Councillors, and if the Village had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then of a Reeve, Deputy Reeve, and three Councillors, and for every additional 500 names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional Deputy Reeve instead of a Councillor. R. S. O. c. 174, s. 67. (36 V. c. 48, s. 68; 39 V. c. 7, s. 18.)

DIVISION V.—IN TOWNSHIPS.

Councils.—Sec. 71.

Township Councils.

71. The Council of every Township shall consist of a Reeve, who shall be the head thereof, and four Councillors, one Councillor being elected for each Ward where the Township is divided into Wards, and the Reeve to be elected by a general vote; but if the Township had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such

such persons may not be entitled to vote), then the Council shall consist of a Reeve, Deputy Reeve, and three Councillors, and for every 500 additional names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional Deputy Reeve instead of a Councillor. R. S. O. c. 174, s. 68. (36 V. c. 48, s. 69; 39 V. c. 7, s. 18.)

Division VI.—In Provisional Corporations.

Councils.—Sec. 72.

Provisional Councils.

72. The Reeves and Deputy Reeves of the Municipalities within a Junior County for which a Provisional Council is established, shall *ex officio* be the members of the Provisional Council. R. S. O. c. 174, s. 69. (36 V. c. 48, s. 70.)

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

Div. I.—Qualification.
Div. II.—Disqualification.
Div. III.—Exemptions.

Div. I.—Qualification.

In each Municipality. Sec. 73.
Nature of Estate to be possessed. Sec. 74.
In new Township where no Assessment Roll. Sec. 75.
Where only one qualified person for each seat. Sec. 76.

Qualification of mayors, aldermen, etc.

73. The persons qualified to be elected Mayors, Aldermen, Reeves, Deputy Reeves, and Councillors of any Municipality shall be such persons as reside within the Municipality, or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of the Municipality to at least the value following, over and above all charges, liens, and encumbrances affecting the same.

In incorporated villages,

(1) In incorporated Villages—Freehold to $600, or leasehold to $1,200;

(2)

In towns; (2) In Towns—Freehold to $800, or leasehold to $1,600;

In cities; (3) In Cities—Freehold to $1,500 or leasehold to $3,000;

In townships; (4) In Townships—Freehold to $400, or leasehold to $800;

Property of different kinds.

And so in the same proportions in all Municipalities, in case the property is partly freehold and partly leasehold.

But if within any Township any such person is at the time of election in actual occupation of any such freehold rated in his own name on the last revised assessment roll of said Township, he will be entitled to be elected as Reeve, Deputy Reeve or Councillor of said Township if the value at which such freehold is actually rated in said assessment roll amounts to not less than $4000, and for this purpose the said value shall not be affected or reduced by any lien, incumbrance or charge existing on or affecting such freehold. R. S. O. c. 174, s. 70; 43 V. c. 24, s. 3. (36 V. c. 48, s. 71.) *Last part new.*

"Leasehold" defined.

Nature of estate.

74. The term "Leasehold" in the foregoing section shall not include a term less than a tenancy for a year, or from year to year; and the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. R. S. O. c. 174, s. 71. (36 V. c. 48, s. 72.)

In new township not having assessment roll.

75. In case of a new Township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. R. S. O. c. 174, s. 72. (36 V. c. 48, s. 73.)

If only one person be qualified for each seat in the council.

76. In case in a Municipality there are not at least two persons qualified to be elected for each seat in the Council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. R. S. O. c. 174, s. 73. (36 V. c. 48, s. 74.)

DIVISION II.—DISQUALIFICATION.

Persons disqualified.—Sec. 77.

Persons disqualified from being members of councils.

77. No Judge of any Court of civil jurisdiction, no Gaoler or Keeper of a House of Correction, no Sheriff, Deputy Sheriff, Sheriff's Bailiff, High Bailiff or Chief Constable of any City or Town, Assessor, Collector, Treasurer, or Clerk of any Municipality, no Bailiff of any Division Court, no County Crown Attorney, no Registrar, no Deputy Clerk of the Crown, no Clerk of the County Court, no Clerk of the Peace, no Innkeeper or Saloonkeeper, or Shopkeeper licensed to sell spirituous liquors by retail, no License Commissioner or Inspector of Licenses, no Police Magistrate, and no person having by himself

himself or his partner an interest in any contract with or on behalf of the Corporation, shall be qualified to be a mem- of the Council of any Municipal Corporation:

(2) But no person shall be held to be disqualified from being elected a member of the Council of any Municipal Corporation by reason of his being a shareholder in any incorporated Company having dealings or contracts with the Council of such Municipal Corporation, or by having a lease of 21 years or upwards, of any property from the Corporation, but no such leaseholder shall vote in the Council on any question affecting any lease from the Corporation, and no such shareholder on any question affecting the Company. R. S. O. c. 174, s. 74; 42 V. c. 31, s. 2. (36 V. c. 48, s. 75.)

Proviso; as to shareholders in companies having dealings with corporations and lessees for 21 years from corporation.

DIVISION III.—EXEMPTIONS.

Officials and Persons exempted. Sec. 78.

78. All persons over 60 years of age, all Members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil service of the Crown, all Judges not disqualified by the last preceding section, all Coroners, all persons in Priests' orders, Clergymen and Ministers of the Gospel of every denomination, all members of the Law Society of Ontario, whether Barristers or Students, all Attorneys and Solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession, whether Physicians or Surgeons, all Professors, Masters, Teachers and other members of any University, College, or School in Ontario, and all officers and servants thereof, all Millers, and all Firemen belonging to an authorized Fire Company—are exempt from being elected or appointed members of a Municipal Council, or to any other municipal office. R. S. O. c. 174, s. 75. (36 V. c. 48. s. 76.) *See also as to Firemen,* R. S. O. c. 178, ss. 2-4.

Exemptions.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.
TITLE. II.—ELECTIONS.

TITLE I.—ELECTORS.

DIVISION I.—QUALIFICATION.

Freehold, Household, Income, or Farmer's Son. Sec. 79.
Amount of rating requisite. Sec. 80.

Persons

Persons in default for non-payment of taxes. *Sec.* 81.
Elector must be named on voters' list. *Sec.* 82.
In new Municipality having no Assessment Roll. *Sec.* 83.
Where new Territory added. *Sec.* 84.
Joint or several rating on same property. *Secs.* 85, 86.
Householder, definition of. *Sec.* 87.

Qualification of electors.

79. Subject to the provisions of the next eight sections the right of voting at municipal elections shall belong to the following persons, being males of the full age of 21 years, and subjects of Her Majesty by birth or naturalization, being rated to the amount hereinafter provided on the revised assessment roll, upon which the voters' list used at the election is based, of the Municipality, for real property held in their own right or in the right of their wives, or for income, and having received no reward and having no expectation of reward for voting:

Freeholders.

Firstly. All persons, whether resident or not, who are at the date of the election freeholders of the Municipality either in their own right or in the right of their wives;

Householders and tenants.

Secondly. All residents of the Municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the Municipality;

Income voters.

Thirdly. All residents of the Municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than $400. R. S. O. c. 174, s. 76, *part.* (36 V. c. 48, s. 77; 37 V. c. 3, s. 1.)

Farmers' sons.

Fourthly. All residents of the Municipality at the date of the election who are farmers' sons, and have resided in the Municipality on the farm of their father or mother for twelve months next prior to the return by the Assessors of the assessment roll on which the voters' list used at the election is based. R. S. O. c. 174, s. 76, *part.* (40 V. c. 9, s. 3.)

When more than one son so resident.

(2) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote. R. S. O. c. 174, s. 76 (2). (40 V. c. 9, s. 2.)

Where father living and assessment not sufficient to

(3) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father

father shall be the only person entitled to vote in respect of such farm. R. S. O. c. 174, s. 76 (3). (40 V. c. 9, s. 2.) qualify more than one.

(4) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. R. S. O. c. 174, s. 76 (4). (40 V. c. 9, s. 3.) Temporary absence.

(5) In this and the four next preceding clauses: Interpretation.

"Farm" shall mean land actually occupied by the owner thereof and not less in quantity than twenty acres;

"Son" or "Sons" or "Farmer's Son" or "Farmers' Sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm;

"Father" shall include stepfather;

"Election" shall mean an election for a member to a Municipal Council;

"To vote" shall mean to vote at an election; and

"Owner" shall mean proprietor in his own right or in the right of his wife of an estate for life or any greater estate either legal or equitable, except where the owner is a widow and in such latter case the word "owner" shall mean proprietor in her own right of any such estate. R. S. O. c. 174, s. 76 (5.) (40 V. c. 9, s. 1.)

80. In order to entitle any person to vote as aforesaid in respect of real property, such property, whether freehold or household or partly each, must be rated at an actual value of not less than the following: Amount of rating necessary.

In Townships—$100.
In Incorporated Villages—$200.
In Towns—$300.
In Cities—$400. R. S. O. c. 174, s. 77. (36 V. c. 48, s. 78.)

81. No person who has been returned by the Treasurer or Collector under section 118 as in default for non-payment of his taxes on or before the fourteenth day of December next preceding any election, shall be entitled to vote in respect of income in any Municipality or in respect of real property in Municipalities which have passed by-laws under section 490, sub-section two. R. S. O. c. 174, s. 78. (36 V. c. 48, s. 77.) *See* 38 V. c. 28, s. 8; *and* 39 V. c. 5, s. 9. Persons in default for non-payment of taxes not to vote.

82. Except in the case of a new Municipality, for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting Elector must be named in voters' list.

No question of qualification to be raised.

porting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the said list of voters. R. S. O. c. 174, s. 79. (36 V. c. 48, s. 77; 40 V. c. 12, s. 20.) *See* 37 V. c. 3, s. 1.

In newly erected municipalities not having any assessment roll.

83. At the first election of a new Municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. R. S. O. c. 174, s. 80. *See* 36 V. c. 48, s. 79.

Where new territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such new territory.

84. Where any territory is added for municipal purposes to any City, Town or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or in case a new Village is formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged City, Town or Village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the City, Town or Village, or if such Town or Village had not been erected into a City or Town, or if such Village had not been formed, shall be entitled to vote in the City, Town or Village at such election. R. S. O. c. 174, s. 81. (38 V. c. 3, s. 16.)

If owner and occupant severally rated, both to be deemed rated.

85. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. R. S. O. c. 174, s. 82. (36 V. c. 48, s. 82.)

When joint owners or occupants rated, rating to be equally divided.

86. Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. R. S. O. c. 174, s. 83. (36 V. c. 48, s. 83.)

"Householder" defined.

87. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. R. S. O. c. 174, s. 84. (36 V. c. 48, s. 84.)

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.
DIV. II.—RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS.
DIV. III.—OATHS.
DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.
DIV. V.—THE POLL.
DIV. VI.—MISCELLANEOUS PROVISIONS.
DIV. VII.—VACANCIES IN COUNCIL.
DIV. VIII.—CONTROVERTED ELECTIONS.
DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION I.—TIME AND PLACE OF HOLDING.

In Municipalities other than Counties. *Sec.* 88.
In new or altered Municipalities. *Sec.* 89.
Place, how fixed. *Sec.* 90.
In separated Townships. *Secs.* 91, 92.
Election of reeves, etc., in Townships and Villages. *Sec.* 93.
Election Divisions. *Sec.* 94.
Where Elections shall be held. *Secs.* 95, 96.

Elections to be held annually for members of council of municipalities (except counties). Terms of office.

88. The electors of every Municipality (except a County) shall elect annually, on the first Monday in January, the members of the Council of the Municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council is organized. R. S. O. c. 174, s. 85. (36 V. c. 48, s. 85.)

First elections where corporations are newly erected or extended.

Times of elections.

89. In case of the incorporation of a new Township or Union of Townships; or of the separation of a Junior Township from a Union of Townships; or of the erection of a locality into an incorporated Village; or of the erection of a Village into a Town or of a Town into a City; or of an additional tract of land being added to an incorporated Village, Town or City, or in case of a new division into Wards of a Town or City, the first election under the proclamation or by-law by which the change was effected shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. R. S. O. c. 174, s. 86. (36 V. c. 48, s. 86; 40 V. c. 8, s. 49.)

90.

Place to be fixed by by-law of municipalities.

90. The Council of every City, Town and Village Municipality (including a Village newly erected into a Town, and a Town newly erected into a City), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the Municipality or Wards or polling sub-divisions was held. R. S. O. c. 174, s. 87. (36 V. c. 48, s. 87.)

County Council to appoint place of first election in junior townships after separation.

91. When in any year a Junior Township of a Union has 100 resident freeholders and householders on the then last revised assessment roll, the Council of the County shall, by a by-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of Councillors in the Township, and appoint a Returning Officer for holding the same, and otherwise provide for the due holding of the election according to law. R. S. O. c. 174, s. 88. (36 V. c. 48, s. 88.)

Existing ward divisions in united townships to cease on dissolution of union.

92. In case of the separation of a Union of Townships, the existing divisions into Wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of Councillors shall be by general vote, until the Township or Townships are divided into polling sub-divisions or Wards under the provisions of this Act. R. S. O. c. 174, s. 89. (36 V. c. 48, s. 89.)

Election of reeves, etc., in townships and incorporated villages to be by general vote.

93. The election in Townships and incorporated Villages of Reeves, Deputy-Reeves and Councillors, shall be by general vote, except in the case of Deputy-Reeves and Councillors in Townships divided into Wards, and shall be held at the place or places where the last meeting of the Council was held, or in such other place or places as may be from time to time fixed by by-law. R. S. O. c. 174, s. 90. (36 V. c. 48, s. 90.)

Upon petition the council may, by by-law, divide townships into wards, etc.

94. In case a majority of the qualified electors of a Township on the last revised assessment roll petition the Council of the Township to divide the Township into Wards, or to abolish or alter any then existing division into Wards, the Council shall, within one month thereafter, pass a by-law to give effect to such petition; and if such petition is for division into Wards, shall divide such Township into Wards, having regard to the number of electors in each Ward, being as nearly equal as may be, and the number of Wards for municipal purposes shall be four in all cases; and where the Township is divided into Wards, and is entitled to one or more Deputy Reeves, the Councillors shall, at their first meeting, elect from among themselves such Deputy Reeve or Reeves. R. S. O. c. 174, s. 91. (36 V. c. 48, s. 91.)

Election of deputy-reeves, etc., in such case.

95. Every election shall be held in the Municipality to which the same relates. R. S. O. c. 174, s. 92. (36 V. c. 48, s. 92.) Election, where to be held.

96. No election of Township Councillors shall be held within any City, Town or incorporated Village, nor shall any election for a Municipality, or any Ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. R. S. O. c. 174, s. 93. (36 V. c. 48, s 93.) Not to be held in taverns, etc.

Division II.—Returning Officers and Deputy Returning Officers.

When election by polling subdivisions. *Sec.* 97.
When not. *Sec.* 98.
Death or absence, provision for. *Sec.* 99.
Authority of. *Secs.* 100, 101.
Special Constables. *Sec.* 101.

97. The Council of every Municipality in which the election is to be made by Wards or polling subdivisions, shall, from time to time, by by-law appoint:— By-law for an election by wards or polling subdivisions.

(*a*) The places for holding the nominations for each Ward;

(*b*) The Returning Officers who shall respectively hold the nominations for each Ward;

(*c*) The places at which polls will be opened in the Municipality in case a poll is required;

(*d*) The Deputy Returning Officers who shall preside at the respective polling places. R. S. O. c. 174, s. 94. (36 V. c. 48, s. 94; 37 V. c. 16, s. 4.)

(2) The Clerk of the Municipality shall be the Returning Officer for the whole Municipality, and in the case of a poll being required, the Deputy Returning Officers shall make to him the returns for their respective Wards or polling subdivisions. R. S. O. c. 174, s. 94. *See* 40 V. c. 12, s. 13. Clerk of municipality to be returning officer for whole Municipality.

98. In the case of a Municipality in which the election is not to be by Wards or polling subdivisions, the Clerk shall be the Returning Officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to Deputy Returning Officers. R. S. O. c. 174, s. 95. (36 V. c. 48, s. 95.) *See* 40 V. c. 12, s. 13. Returning officer for elections not by wards or polling sub-divisions.

99. In case, at the time appointed for holding a nomination or poll, the person appointed to be Returning Officer or Deputy Returning Officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no Returning Officer or Deputy Returning Officer has The death or absence of the returning officer or deputy-returning officer provided for.

has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a Returning Officer or Deputy Returning Officer, and such Returning Officer or Deputy Returning Officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a Returning Officer or Deputy Returning Officer. R. S. O. c. 174, s. 96. (36 V. c. 48, s. 96.)

Returning officers and deputy returning officers to be conservators of the peace; their powers.

100. Every Returning Officer and Deputy Returning Officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the City or County in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the Municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the Returning Officer, or Deputy Returning Officer, or Justice of the Peace. R. S. O. c. 174, s. 97. (36 V. c. 48, s. 97.)

Special constables may be sworn in.

101. Every Returning Officer, or Deputy Returning Officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a Returning Officer or Deputy Returning Officer, or Justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of $20, to be recovered to the use of any one who will sue therefor. R. S. O. c. 174, s. 98. (36 V. c. 48, s. 98.)

Division III.—Oaths.

Of freeholder. *Sec.* 102.
Of householder or tenant. *Sec.* 103.
Of income voter. *Sec.* 104.
Of farmer's son. *Sec.* 105.
Administering. *Sec.* 106.

Oaths, etc., of person claiming to vote as a freeholder.

102. The only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to the like effect:—

You swear (*or* solemnly affirm) that you are the person named, or purporting to be named, in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

That

That you are a freeholder in your own right (*or* right of your wife, *as the case may require*);

That you are a natural born (*or* naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve *or* Deputy Reeve *as the case may be*);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election:

So help you God.

(*In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*) In new Municipality where no assessment roll.

R. S. O. c. 174, s. 99. (36 V. c. 48, s. 99; 40 V. c. 8, s. 50.)

103. The oath or affirmation to be required of any person claiming to vote as householder or tenant, shall be as follows, or to the like effect:— Oath of householder or tenant.

You swear (*or* solemnly affirm) that you are the person named or purporting to be named in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction, of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, possessed to your own use and benefit as tenant or occupant, of the real estate in respect of which your name is entered on the said list;

That you are (*or* your wife is) a householder or tenant within this Municipality;

That you have been resident within this Municipality for one month next before this election;

That you are a natural-born (*or* naturalized) subject of Her Majesty and of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve *or* Deputy Reeve *as the case may be*);

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election :

So help you God.

In new municipality where no assessment roll.

(In the case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.)

R. S. O. c. 174, s. 100. (37 V. c. 16, s. 2; 40 V. c. 8, s. 50; 40 V. c. 12, s. 15.)

Oath of income voter.

104. The oath or affirmation to be required of any person claiming to vote in respect of income shall be as follows:

You swear (*or* solemnly affirm) that you are the person named (*or* purporting to be named by the name of) on the list (*or* supplementary list) of voters now shewn to you (*shewing the list to voter*);

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town *or* Village, *as the case may be*);

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling, *or* profession, *as the case may be*) of a sum of not less than $400;

That you are a subject of her Majesty by birth (*or* naturalization, *as the case may be*); and are of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve *or* Deputy Reeve, *as the case may be*);

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election :

So help you God.

R. S. O. c. 174, s. 101. (37 V. c. 3, s. 4; 39 V. c. 5, s. 7; 40 V. c. 12, s. 16.)

Oath of farmer's son.

105. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows :—

You swear (*or* solemnly affirm) that you are the person named (*or* purporting to be named by the name of ,) in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

That on the day of , 18 (*the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires,* A. B. (*naming him or her*), was actually, truly, and in good faith possessed to his (*or* her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of the said A. B.;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all : That

That you are still a resident of this Municipality, and entitled to vote at this election;

That you are a subject of Her Majesty by birth (*or* naturalization *as the case may be*); and are of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling-place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve, *or* Deputy Reeve *as the case may be*);

That you have not received anything, nor has anything been promised you directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election:

So help you God.

R. S. O. c. 174, s. 102. (40 V. c. 9, s. 9.)

When and how oaths are to be administered.

106. Such oaths or affirmations shall be administered by the Returning Officer or Deputy Returning officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. R. S. O. c. 174, s. 103. (36 V. c. 48, s. 101.)

DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

Nomination Meetings. *Secs.* 107–110.
Presiding Officer. *Secs.* 108, 110, 113.
Provision for Christmas Day. *Sec.* 111.
Interval between Nomination and Election in Townships. *Sec.* 112.
Notice of Nomination. *Sec.* 114.
Proceedings at Nomination. *Sec.* 115.
Poll, when and where to be held. *Sec.* 115.
Resignations.—Notifications as to Candidates. *Sec.* 116.
Votes to be given by Ballot. *Sec.* 117.
List of Defaulters in payment of Taxes. *Sec.* 118.
Ballot Boxes. *Sec.* 119.
Ballot Papers. *Secs.* 120-123.
Polling Places. *Secs.* 123, 124.
What to be furnished to Deputy Returning Officers. *Secs.* 123, 125, 128, 129, 130, 131, 134.
Directions to Voters. *Secs.* 125, 126.
Placards to be posted. *Sec.* 126.
Voters' and Defaulters' Lists. *Secs.* 127–133.
Certificates as to the Assessment Roll. *Sec.* 134.
In Municipalities not divided into Wards, Clerk to perform duties of Deputy Returning Officer. *Sec.* 135.
Where Electors may vote. *Secs.* 136–140.

Meeting for nomination of mayor, reeve, deputy reeve, etc.

107. A meeting of the electors shall take place for the nomination of candidates for the office of Mayor in Cities, and for Mayor, Reeve and Deputy Reeves in Towns, at the hall of the Municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the Deputy Reeves shall be designated as first, second, third, &c., according to the number to be elected. R. S. O. c. 174, s. 104. (36 V. c. 48, s. 102.)

The clerk to preside.

Chairman,

108. The Clerk of the Municipality shall be the Returning Officer to preside at such meeting, or in case of his absence, the Council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves, and such Clerk or chairman shall have all the powers of a Returning Officer. R. S. O. c. 174, s. 105. (36 V. c. 48, s. 103.)

Meetings in cities, towns, etc., for nomination of aldermen, etc.

109. A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen in Cities, Councillors in Towns, and of Reeves, Deputy Reeves and Councillors in Townships not divided into Wards, and incorporated Villages, at noon, on the last Monday in December, annually, at the Town Hall of such Municipalities, or at such place therein, and in Cities and Towns at such places in each Ward thereof, as may from time to time be fixed by by-law, and the Deputy Reeves shall be designated as first, second, third or fourth, according to the number to be elected. R. S. O. c. 174, s. 106; 42 V. c. 31, s. 4. (37 V. c. 16, s. 3.)

In townships divided into wards.

110. In Townships divided into Wards, the nomination of candidates for the office of Reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the Township as may from time to time be fixed by by-law, and the Township Clerk shall preside; the nomination of candidates for the office of Councillor, to be elected for each Ward, shall take place at noon, at the Town Hall of the Township or at such place in the Township or in each Ward as may be fixed by by-law. R. S. O. c. 174, s. 107; 42 V. c. 31, s. 5. (37 V. c. 16, s. 3.)

If nomination day falls on Christmas day.

111. When the last Monday in December happens to be Christmas Day, the nomination of candidates for the offices of Mayor and Aldermen in Cities, and of Mayor, Reeve, Deputy Reeve and Councillors in other Municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. R. S. O. c. 174, s. 108. (39 V. c. 7, s. 20.)

County council may by by-law lengthen time between

112. Every County Council may, by by-law, made on or before the first day of July in any year provide that the day for the nomination of candidates for Reeve, Deputy Reeves, and Councillors

Councillors in Townships shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such Townships. nomination and polling in townships.

(2) Forthwith, after the passing of such by-law, the County Clerk shall transmit a copy thereof to the Clerks of the Townships to which the same relates. R. S. O. c. 174, s. 109; 42 V. c. 31, s. 6. (40 V. c. 8, s. 48.) Copy of by-law to be sent to townships affected.

113. The Returning Officer appointed for each Ward, as in section 97 mentioned, or the Clerk as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. R. S. O. c. 174, s. 110. (36 V. c. 48, s. 105, *part.*) Presiding officer.

114. The Clerk or other Returning Officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. R. S. O. c. 174, s. 111. (36 V. c. 48, s. 105, *part.*) Notice of nomination meeting.

115. At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim;* and if no other candidate but one for any particular office is proposed, the Clerk or other Returning Officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the Clerk or other Returning Officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each Ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said Councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. R. S. O. c. 174, s. 112. (36 V. c. 48, s. 106.) Nomination and proceedings incident thereto. Poll—when and where to be held.

116. At the nomination meeting, or at any time thereafter before the polling day, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default, he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the Clerk or other Returning Officer or chairman shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality the names of the persons proposed for the respective offices. R. S. O. c. 174, s. 113; 42 V. c. 31, s. 7. (36 V. c. 48, s. 108.) Any person proposed may resign, etc.; in default to be taken as nominated. Notice of persons proposed.

117. In case of a poll at an election of persons to serve in Municipal Councils, the votes shall be given by ballot. R. S. O. c. 174, s. 114. (38 V. c. 28, s. 1.) Votes to be by ballot.

List of Defaulters in payment of Taxes.

Preparation of list of defaulters.

118. On or before the day of nomination of candidates, if the Collectors's roll has been returned to the Treasurer of the Municipality, the Treasurer shall prepare and verify on oath, or if the Collector's roll has not been so returned, the Collector shall prepare and verify on oath, a correct alphabetical list of—

(*a*) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the fourteenth day of December preceding the election and

(*b*) In Municipalities which have passed by-laws under subsection two of section 490 of this Act, all persons on the voter's list (that is to say the first and seeond parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the fourteenth day of December preceding the election. R. S. O. c. 174, s. 115, (1). (40 V. c. 12, s. 6.)

List to be made for each polling division.

(2) Where a Municipality is divided into polling sub-divisions, such a list of defaulters shall be made for each polling sub-division. R. S. O. c. 174, s. 115, (2). (40 V. c. 12, s. 7.)

Certified copies to be furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. R. S. O. c. 174, s. 115, (3). (40 V. c. 12, s. 8.)

Ballot Boxes.

Ballot boxes to be furnished.

119 Wherever a poll is required, the Clerk of the Municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are Wards or polling subdivisions within the Municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to deputy returning officers.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the Clerk of the Municipality, two days at least before the polling day, to deliver one of the ballot boxes to every Deputy Returning Officer appointed for the purposes of the election.

Clerk to preserve boxes for future elections.

(4) The ballot boxes, when returned to the Clerk after the election, shall be preserved by him for use at elections for the Municipality; and it shall be the duty of the Clerk to have ready for use, at all times, as many ballot boxes as there are Wards or polling subdivisions in the Municipality.

(5)

(5) If the Clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of $100 in respect of every ballot box which he has failed to furnish in the manner prescribed. Penalty on failure to furnish boxes.

(6) It shall be the duty of the Deputy Returning Officer in every Ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the Treasurer of the Municipality in which such Ward or polling subdivision is situate for the cost of the ballot box, and the Treasurer shall pay to the Deputy Returning Officer the amount of the order. R. S. O. c. 174, s. 116. (38 V. c. 28, s. 2.) Deputy returning officers to procure boxes when not supplied.

Ballot Papers.

120. Where a poll is required, the Clerk of the Municipality shall forthwith cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the election. Ballot papers to be printed.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. R. S. O. c. 174, s. 117. (38 V. c. 28, s. 3.) Contents and form of ballot papers.

121. The names of the candidates for Mayor in Cities, and for Mayor, Reeve and Deputy Reeve in Towns, shall not be included in the same ballot paper with the names of the candidates for Aldermen and Councillors respectively; but Different sets of ballot papers to be prepared.

(2) In Cities one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the Candidates for Mayor, and another kind or set shall be prepared for each Ward or polling subdivision containing the names of the candidates for Aldermen in the Ward; and In cities.

(3) In Towns one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the candidates for Mayor and Reeve and Deputy Reeve, and another kind or set shall be prepared for each Ward or polling subdivision, containing the names of the candidates for Councillors in the Ward; and In towns.

(4) In Townships divided into Wards, one kind or set of ballot papers shall be prepared for all the Wards, containing the names of the candidates for Reeve, and another kind or set shall be prepared for each Ward, containing the names of the candidates for Councillors in the Ward. R. S. O. c. 174, s. 118. (39 V. c. 5, s. 1.) Townships divided into wards.

122. The ballot papers shall be in the form of Schedule A to this Act. R. S. O. c. 174, s. 119. (39 V. c. 5, s. 2.) Form of ballot papers.

Polling

Polling Places.

Clerk to furnish deputy returning officers with ballot papers, etc.

123. In case of Municipalities which are divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer the ballot papers which have been prepared for use in the Ward or polling subdivision for which such Deputy Returning Officer has been appointed to act, and shall also furnish to the Deputy Returning Officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the Deputy Returning Officer for the convenient use of voters. R. S. O. c. 174, s. 120. (38 V. c. 28, s. 5.)

Compartment wherein voters may mark votes.

124. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the Clerk of the Municipality and Deputy Returning Officers respectively, to see that a proper compartment for that purpose is provided at each polling place. R. S. O. c. 174, s. 121. (38 V. c. 28, s. 4.)

Directions to Voters.

Clerk to furnish deputy returning officer with directions for voters' guidance.

125. In case of Municipalities divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer such a number of printed directions, for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act. R. S. O. c. 174, s. 122. (38 V. c. 28, s. 6.)

Deputy returning officers to placard the directions.

126. Every Deputy Returning Officer shall before the opening of the poll, or immediately after he has received such printed directions from the Clerk of the Municipality, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R. S. O. c. 174, s. 123. (38 V. c. 28, s. 7.)

Voters' and Defaulters' Lists.

Proper voters list to be used at an election.

127. Subject to the provisions of the three next sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under "*The Voters' Lists Act.*" R. S. O. c. 174, s. 124. (40 V. c. 12, s. 20.)

R. S. O. c. 9.

128.

128. For the first election of a new Municipality for which there is no separate assessment roll, the Clerk of the Municipality shall provide each Deputy Returning Officer with a poll book, prepared according to the form of Schedule C to this Act instead of a voters' list, and either the Deputy Returning Officer or his sworn Poll Clerk shall therein enter, in the proper column, the names of each person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. R. S. O. c. 174, s. 125. (*See* 36 V. c. 48, s. 79; 38 V. c. 28, s. 8; *and* 39 V. c. 5, s. 9.) For first election in new municipality.

129. Where any territory is added for municipal purposes, to any City, Town, or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or where a new Village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases, the Clerk of the new or enlarged City, Town, or Village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the City, Town, or Village if such territory had remained separate from the City, Town, or Village, from the last filed or certified voters' list of the Municipality or Municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be). Voters' lists in cases under section 84.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the Clerk, and delivered by him to the proper Deputy Returning Officers for the purpose of enabling the persons named in such lists to vote at the election. R. S. O. c. 174, s. 126. (38 V. c. 3. ss. 16, 17.) *See* 36 V. c. 48, s. 79. Form of supplementary lists.

130. In any Municipality for which there is a separate assessment roll, but for which no voters' list for the Municipality has been filed with the Clerk of the Peace or certified by the County Judge under "*The Voters' Lists Act,*" the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every or any Ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that Ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. List of Voters. R. S. O. c. 9.

(2) In the case of

(*a*) Income voters, and

(*b*) Persons in arrears for taxes shall be excluded from list.

(*b*) Persons assessed for real property, if the Municipality has passed a by-law under sub-section 2 of section 490 of this Act,

the Clerk shall exclude from such list such persons as may be returned to him by the Treasurer as being in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. R. S. O. c. 174, s, 127. (38 V. c. 28, s. 8; 39 V. c. 5, ss. 6 (1), 9.)

Delivery of copies of voters' list and defaulters' list to deputy returning officers.

131. In the case of Municipalities which are divided into Wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, deliver to the Deputy Returning Officer for each Ward or polling sub-division, a copy, according to the form of Schedule C to this Act, certified to be correct, of the proper list of voters for the Ward or polling sub-division under section 127 and following sections; and also a copy of the proper defaulters' list for the polling sub-division, certified by the Treasurer or Collector pursuant to section 118 of this Act. R. S. O. c. 174, s. 128. (40 V. c. 12, s. 9.) *See* 39 V. c. 5, s. 5 (2).

Copies may be prepared by clerk of municipality or procured from clerk of peace.

132. The copies of the voters' lists in the last section mentioned, may be prepared by the Clerk of the Municipality, or may be procured from the Clerk of the Peace, if filed under "*The Voters' Lists Act*," and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. R. S. O. c. 174, s. 129. (40 V. c. 12, s. 10.)

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

133. The defaulters' lists furnished and verified by the Treasurer or Collector as aforesaid, shall be the evidence on which the Deputy Returning Officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 118 of this Act. R. S. O. c. 174, s. 130. (40 V.c. 12, s. 11.)

Certificates as to the Assessment Roll.

Clerk to give certificate of dates of return and final revision of assessment roll.

134. The Clerk of the Municipality shall before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer a certificate (which may be in the form of Schedule D to this Act), of (1) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the Assessor, and also (2) of the day when the said assessment roll was finally revised and corrected.

Fee for certificate.

(2) The Clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of $200 in case of neglect or refusal.

Penalty for neglect.

(3)

(3) Such certificate, when delivered to the Deputy Returning Officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be. To be evidence of such date at the poll.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court in case of an appeal, as provided by "*The Assessment Act*," or when the time during which such appeal may be made has elapsed, and not before. R. S. O. c. 174, s. 131. (40 V. c. 12, s. 12.) When assessment roll to be considered as finally revised and corrected. R. S. O. c. 180.

Municipalities not divided into Wards.

135. In case of Municipalities which are not divided into Wards or polling subdivisions, the Clerk shall perform the duties which in other cases are performed by Deputy Returning Officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to Deputy Returning Officers; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon a Deputy Returning Officer in respect of a Ward or polling subdivision. R. S. O. c. 174, s. 132. (38 V. c. 28, s. 9; 40 V. c. 12, s. 14 (2).) In Municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers.

Where Electors may vote.

136. In Towns and Cities, every elector may vote in each Ward in which he has been rated for the necessary property qualification, but in case of Mayor of Cities, Mayor, Reeve or Deputy Reeve of Towns, the elector is limited to one vote. R. S. O. c. 174, s. 133. (36 V. c. 48, s. 80.) Voting in towns and cities.

137. In Townships and incorporated Villages divided into Wards or polling subdivisions, no elector shall vote in more than one Ward or polling subdivision for the same candidate. R. S. O. c. 174, s. 134. (36 V. c. 48, s. 81.) Voting in townships and villages.

138. Every elector who is entitled to a vote in more than one Ward or polling subdivision shall vote for Mayor in Cities, and for Mayor, Reeve, and Deputy Reeve in Towns, and for Reeve in Townships divided into Wards, at the polling place of the Ward or polling subdivision in which he is resident, if qualified to vote therein; or otherwise where he first votes, and there only. R. S. O. c. 174, s. 135. (39 V. c. 5, s. 3.) Where persons are to vote for mayor, reeve, and deputy reeve.

139. Any person who votes for Mayor, Reeve, or in Towns or Townships for Deputy Reeve, after having already voted for Penalty for voting twice for mayor,

reeve or deputy reeve.

for Mayor, Reeve, or Deputy Reeve at some other polling place at that election, shall incur a penalty of $50, to be recovered, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. R. S. O. c. 174, s. 136. (39 V. c. 5, s. 4.)

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

140. The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and such certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Right to vote on production of certificate.

(2) On the production of such certificate, such Deputy Returning Officer, Poll Clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk, or agent during the day of polling; nor to vote for Aldermen in Cities, or Councillors in Municipalities divided into Wards, except in the Ward where he would otherwise be entitled so to vote.

Who to administer oath.

(3) In case of a Deputy Returning Officer voting at the polling station where he has been appointed, the Poll Clerk appointed to act at such polling place, or in the absence of the Poll Clerk any elector authorized to be present, may administer to such Deputy Returning Officer the oath required by law to be taken by voters. R. S. O. c. 174, s. 137. (39 V. c. 5, s. 10.)

DIVISION V.—THE POLL.

Ballot box to be exhibited. *Sec.* 141.
Duty of Deputy Returning Officer. *Secs.* 141–144.
How votes to be received. *Secs.* 142–144.
How ballot paper to be marked. *Sec.* 145.
Exclusion from balloting compartment. *Sec.* 146.
Ballot papers not to be taken away. *Sec.* 147.
Proceedings in case of incapacity to mark ballot. *Sec.* 148.
Ballot paper inadvertently spoiled. *Sec.* 149.
Who may be present in polling place. *Sec.* 150.

Counting

Counting the votes—Objections—Statement. *Sec.* 151.
Who may be present at the counting of the votes. *Sec.* 152.
Certificates of state of poll. *Sec.* 153.
Returns, etc., to be made by Deputy Returning Officers. *Sec.* 154.
Clerk to cast up votes and declare who is elected. *Sec.* 155, 159.
Right of Clerk, Deputy Returning Officers and Poll Clerks to vote. *Sec.* 156.
Riots. *Secs.* 157, 158.
Oaths of office to be taken by persons elected. *Sec.* 160.

Deputy returning officer to shew box empty to persons present and then lock and seal it.

141. The Deputy Returning Officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. R. S. O. c. 174, s. 138. (38 V. c. 28, s. 10.)

Proceedings by deputy returning officer on tender of vote.

142. Where any person claiming to be entitled to vote presents himself for the purpose of voting, the Deputy Returning Officer shall proceed as follows:

Name.

(1) He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the Ward or polling subdivision for which such Deputy Returning Officer is appointed to act.

Recording.

(2) He shall record or cause to be recorded in the proper column of the voters' list, the residence and the legal addition of such person.

Oath.

(3) If such person shall take the oath or affirmation required to be taken by voters in the manner directed by sections 102 to 105 inclusive of this Act, the Deputy Returning Officer shall enter or cause to be entered opposite such person's name, in the proper column of the said voters' list, the word "*Sworn*," or "*Affirmed*," according to the fact.

Objection.

(4) Where the vote is objected to by any candidate or his agent, the Deputy Returning Officer shall enter the objection, or cause the same to be entered in the voters' list, by writing opposite the name of such person in the proper column, the words "*Objected to*," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*," the name only of such candidate.

Refusal to take the oath.

(5) Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the Deputy Returning Officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters'

voters' list, the words "*Refused to be Sworn,*" or "*Refused to Affirm,*" according to the fact; and the vote of such person shall not be taken or received; and if the Deputy Returning Officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of $200.

Deputy returning officer to sign name on ballot paper.

(6) Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the Deputy Returning Officer shall sign his name or initials upon the back of the ballot paper.

Delivery of paper to voter.

(7) The ballot paper shall be delivered to such person.

Deputy returning officer to explain mode of voting.

(8) The Deputy Returning Officer may, and upon request shall, either personally or through his sworn Poll Clerk, explain to the voter, as concisely as possible, the mode of voting. R. S. O. c. 174, s. 139. (38 V. c. 28, s. 11.)

Deputy returning officer refusing, etc., to initial ballot paper.

143. Every Deputy Returning Officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as provided for by sub-section six of section 142 of this Act, shall forfeit to any person aggrieved by such refusal, or omission, the sum of $10, in respect of every ballot paper deposited at his polling sub-division, upon which the said Deputy Returning Officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by section 212 of this Act. *New.*

Deputy returning officer to note in list voters to whom ballot papers given.

144. The Deputy Returning Officer shall place, or cause to be placed, in the columns of the voters' list, headed "*Mayor,*" "*Reeve,*" (or "*Mayor and Reeve*"), "*Alderman,*" and "*Councillor,*" as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for Mayor, Reeve, Alderman, or Councillor as the case may be. R. S. O. c. 174, s. 140; 44 V. c. 24, s. 1. (39 V. c. 5, s. 5 (2).)

Marking ballot paper.

145. Upon receiving from the Deputy Returning Officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross, thus ×, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the Deputy Returning Officer, and leaving the compartment, shall, without delay, and without shewing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates

candidates for or against whom he has marked his vote, deliver such ballot paper so folded to the Deputy Returning Officer, who shall without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. R. S. O. c. 174, s. 141; 43 V. c. 24, s. 4. (38 V. c. 28, s. 12.)

Exclusion from balloting compartment.

146. While any voter is in any balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R. S. O. c. 174, s. 142; 41 V. c. 8, s. 19. (38 V. c. 28, s. 13.)

Voter not to take his ballot paper from polling place.

147. No person who has received a ballot paper from the Deputy-Returning Officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the Deputy Returning Officer in the manner prescribed, shall thereby forfeit his right to vote; and the Deputy Returning Officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same, declining to vote, as the case may be; and in the latter case the Deputy Returning Officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as hereinafter directed. R. S. O. c. 174, s. 143. (38 V. c. 28, s. 14.)

Proceedings in case of incapacity to mark ballot paper.

148. In case of an application by any person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:—

(1) The Deputy Returning Officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person and shall place the ballot paper in the ballot box.

(2) The Deputy Returning Officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the said voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

(3)

(3) The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the Deputy Returning Officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the Deputy Returning Officer at the time of voting. R. S. O. c. 174, s. 144. (38 V. c. 28, s. 15.)

Proceedings in case ballot paper cannot be used.

149. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Deputy Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Deputy Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the Deputy Returning Officer shall immediately write the word "*Cancelled*" upon such ballot paper, and preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as hereinafter directed. R. S. O. c. 174, s. 145. (38 V. c. 28, s. 16.)

Who may be present at polling place.

150. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks, or agents authorized to attend at such polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the Deputy Returning Officer to have present or to summon to his assistance in such polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. R. S. O. c. 174, s. 146. (38 V. c. 28, s. 17.)

Counting the votes.

151. Immediately after the close of the poll in every polling place, the Deputy Returning Officer shall, in the presence of the Poll Clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows :—

Rejected ballots.

(1) He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the Deputy Returning Officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the Deputy Returning Officer on the back, is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which

which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for. R. S. O. c. 174, s. 147. (38 V. c. 28, s. 18 (1); 40 V. c. 7, *Sched.* A. (169).)

Deputy returning officer to note objections taken to ballot papers at the counting,

(2) The Deputy Returning Officer shall take a note of any objection made by any candidate, his agent, or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. R. S. O. c. 174, s. 147, (2). (39 V. c. 5, s. 11.)

and number objection and ballot paper to correspond.

(3) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. R. S. O. c. 174, s. 147, (3). (39 V. c. 5, s. 11, (2).)

Endorsing ballot paper.

(4) The Deputy Returning Officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to,*" if any objection is made to his decision. R. S. O. c. 174, s. 147, (4). (38 V. c. 28, s. 18 (2).)

Statement.

(5) The Deputy Returning Officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which shall be made under the several heads—

(*a*) Name or number of Ward or polling sub-division and of the Municipality and the date of election;

(*b*) Number of votes for each candidate;

(*c*) Rejected ballot papers.

R. S. O. c. 174, s. 147, (5). (38 V. c. 28, s. 18 (3); 39 V. c. 5, s. 14.)

Statement to be signed.

(6) Upon the completion of such written statement, it shall be forthwith signed by the Deputy Returning Officer, the Poll Clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. R. S. O. c. 174, s. 147, (6). (38 V. c. 28, s. 18 (4.)

Agents entitled to be present.

152. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. R. S. O. c. 174, s. 148. (38 V. c. 28, s. 18 (5).)

Deputy returning officer to give certificate of state of poll.

153. Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. R. S. O. c. 174, s. 149. (39 V. c. 5, s. 15.)

154.

Deputy returning officer's duties after votes are counted.

154. Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet the date of the day of the election the name of the Deputy Returning Officer, and of the Ward or polling sub-division and Municipality;

(*a*) The statement of votes given for each candidate and of the rejected ballot papers;

(*b*) The used ballot papers which have not been objected to and have been counted;

(*c*) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer;

(*d*) The rejected ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The unused ballot papers;

(*g*) A statement of the number of voters whose votes are marked by the Deputy Returning Officer under the heads "Physical incapacity," and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot-box.

Declaration by deputy returning officer as to use of voters' list.

(2) Before returning the said voters' list to the Clerk of the Municipality the Deputy Returning Officer shall make and subscribe before such Clerk, or a Justice of the Peace or the Poll Clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in presence of the Clerk, by any elector of the Municipality.

Packets of ballot papers, etc., to be delivered to the clerk of municipality.

(3) If the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall forthwith deliver such packets personally to the Clerk of the Municipality; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the Clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had

had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the Clerk of the Municipality.

Statement to be made by deputy returning officer on return of ballot papers, etc.

(4) The packets shall be accompanied by a statement made by the Deputy Returning Officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

If dispute as to result arises how to be settled.

(5) If the Deputy Returning Officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the Deputy Returning Officer, the packages of ballot papers shall be broken open by the Clerk of the Municipality, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the Deputy Returning Officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the Clerk of the Municipality; and the Clerk of the Municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned: and the Clerk of the Municipality shall forthwith, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. R. S. O. c. 174, s. 150; 44 V. c. 24, ss. 2, 3. (38 V. c. 28, ss. 19, 20; 39 V. c. 5, ss. 12, 13.)

Clerk to cast up votes and declare who is elected, etc.

155. The Clerk of the Municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall at the Town Hall, or, if there is no Town Hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. R. S. O. c. 174, s. 151. (38 V. c. 28, s. 21.)

In case of a tie clerk to have a casting vote;

156. In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes,

votes, the Clerk of the Municipality, or other person appointed by by-law to discharge his duties of Clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

but otherwise not to vote.

(2) Except in such case, no Clerk of the Municipality shall vote at any municipal election held in his Municipality. *See* sec. 321, *post.*

Deputy returning officers, etc., may vote if qualified.

(3) All Deputy Returning Officers and persons employed as Deputy Returning Officers and Poll Clerks, if otherwise qualified, shall be entitled to vote. R. S. O. c. 174, s. 152. (38 V. c. 28, s. 22.)

Election not commenced, or interrupted by reason of riot, etc., to be resumed.

157. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer, or Deputy Returning Officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R. S. O. c. 174, s. 153. (38 V. c. 28, s. 23.)

If election is prevented for four days, poll book is to be returned, and a new election ordered.

158. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours, the Returning officer, or Deputy Returning Officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the Municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the Municipality shall forthwith issue his warrant therefor. R. S. O. c. 174, s. 154. (38 V. c. 28, s. 24.) *See also sec.* 180.

Declaration of election—duty of the Clerk.

159. When a poll has been duly held in each of such Wards or polling sub-divisions, and the ballot papers and statements hereby directed to be returned to the Clerk have been so returned to him, the Clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other Wards to be given for the candidate, and shall at noon on the next day, at the Town Hall, or if there is no Town Hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. R. S. O. c. 174, s. 155. (38 V. c. 28, s. 26.)

160. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. R. S. O. c. 174, s. 156. (36 V. c. 48, s. 119.) Declaration and assumption of office.

Division VI.—Miscellaneous Provisions.

Disposition of Ballot Papers. *Sec.* 161.
Inspection of Ballot Papers. *Sec.* 162.
Recount of Votes. *Secs.* 162–164.
Production of documents, how far evidence, etc. *Sec.* 165.
Offences and Penalties. *Secs.* 166, 167.
Secrecy of proceedings at polling places. *Secs.* 168-170.
Candidates may do Agents' duty. *Sec.* 171.
Non-attendance of Agents. *Sec.* 172.
Computation of time. *Sec.* 173.
Technical objections not to prevail. *Sec.* 174.
Expenses of Clerk of Municipality, etc. *Sec.* 175.

161. The Clerk of the Municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by Deputy Returning Officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the Municipality, and filed amongst the records of the Municipality by the said Clerk. R. S. O. c. 174, s. 157. (38 V. c. 28, s. 27.) Ballot papers, how disposed of.

162. No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk of the Municipality. Ballot papers to be inspected only by order of a Court or Judge.

(2) Such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient. R. S. O. c. 174, s. 158. (38 V. c. 28, s. 28.) Order may be subject to conditions.

(3) In case it is made to appear, on the affidavit of any credible person, to the County Judge of the County in which the Municipality is situated, at any time within fourteen days from the time the ballot papers are received by the Clerk of the Municipality, that any Deputy Returning Officer at any election in such Municipality for Mayor, Alderman, Reeve, Re-count of votes by the County Judge.

Deputy Reeve, Councillor, or Water Commissioner, in counting the votes has improperly counted or rejected any ballot papers at any such election, the said County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same.

Deposit by applicant.

(4) At the time of the application for a re-count, the applicant shall deposit with the Clerk of the County Court the sum of $25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the Clerk without the order of the Judge.

Who may be present on re-count.

(5) The County Judge, the Clerk of the Municipality with the ballot boxes, and each candidate and his agent appointed to attend such re-count of votes, and no other person except with the sanction of the County Judge shall be present at such re-count of the votes.

Opening of packets.

(6) At the time and place appointed the said County Judge shall proceed to re-count all the votes or ballot papers received by the said Clerk of the Municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (*a*) the used ballot papers which have not been objected to and have been counted; (*b*) the ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer; (*c*) the rejected ballot papers; (*d*) the spoiled ballot papers; (*e*) the unused ballot papers, and in re-counting the said votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

The re-count to be a continuous proceeding.

(7) The County Judge shall, as far as practicable, proceed continuously with such re-count of the votes, allowing only time for refeshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the said County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents.

Procedure on re-count.

(8) The County Judge shall proceed to re-count the vote as follows:

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the Deputy Returning Officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but any ballot paper on which

which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement in words as well as in figures of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

(*a*) Name of Municipality;

(*b*) Names of the candidates;

(*c*) Number of votes for each candidate;

(*d*) Papers wanting signature or initials of Deputy Returning Officer;

(*e*) Papers rejected as voting for more candidates than entitled to;

(*f*) Papers rejected as having a writing or mark by which voters could be identified;

(*g*) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, the said County Judge shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result to the Clerk of the Municipality, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the Clerk of the Municipality shall have the casting vote as provided in section 156 of this Act. *New.*

Existing remedies not affected.

163. Nothing in the preceding section contained shall destroy or prevent any remedy which any person or persons may now have under or by *quo warranto* or otherwise. *New.*

Costs of application.

164. All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of

of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of costs.

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court.

Recovery of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which such costs were taxed and the non-payment thereof. *New.*

Production documents and endorsements on ballot papers evidence for certain purposes.

165. Where a rule or order is made for the production by the Clerk of the Municipality, of any document in his possession relating to any specified election, the production of the document by the Clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the Clerk, shall be evidence of such papers being what they are stated to be by the endorsement. R. S. O. c. 174, s. 159. (38 V. c. 28, s. 29.)

Offences.

166. No person shall—

(*a*) Without due authority supply any ballot paper to any person; or

(*b*) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

(*c*) Fraudulently take out of the polling place any ballot paper; or

(*d*) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) Any person guilty of any violation of this section shall be liable, if he is the Clerk of the Municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 174, s. 160. (38 V. c. 28, s. 30; 39 V. c. 1, s. 4.)

Money penalty for offences.

167. Every officer and Clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 118 to 166, inclusive, of this Act, shall, in addition to any

any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of $400. R. S. O. c. 174, s. 161. (38 V. c. 28, s. 31.)

Maintaining secrecy of proceedings at polling places.

168. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5) No person shall, directly, or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

Penalty for contravening this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 174, s. 162. (38 V. c. 28, s. 32.)

Statutory declaration of secrecy.

169. The Clerk of the Municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the Clerk of the Municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the Clerk of the Municipality, or of the Deputy Returning Officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. R. S. O. c. 174, s. 163. (38 V. c. 28, s. 33; 40 V. c. 12, s. 19.)

No one compellable to disclose his vote.

170. No person who has voted at an election shall in any legal proceeding to question the election or return, be required to

to state for whom he has voted. R. S. O. c. 174, s. 164. (38 V. c. 28, s. 34.)

Candidates may undertake duties of an agent.

171. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 148. R. S. O. c. 174, s. 165; 44 V. c. 24, s. 4. (38 V. c. 28, s. 35.)

Expressions in ss. 118-171, referring to agents.

172. When in the sections of this Act numbered from 118 to 171 inclusive any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. R. S. O. c. 174, s. 166. (38 V. c. 28, s. 36.)

Non-attendance of agents.

Public holidays, etc., excluded in reckoning time under ss. 118-171, except for nomination and election of mayors, etc.

173. In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on any day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor and Aldermen in cities, and Mayor, Reeve, Deputy-Reeves and Councillors in other Municipalities. R. S. O. c. 174, s 167. (38 V. c. 28, s. 37; 40 V. c. 7, *Sched.* A. (170).)

No election to be invalid for want of compliance with rules if in compliance with principles of Act and result not affected.

174. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R. S. O. c. 174, s. 168. (38 V. c. 28, s. 38; 39 V. c. 5, s. 16.)

Expenses incurred by officers to be refunded.

175. The reasonable expenses incurred by the Clerk of the Municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances

allowances for services rendered under this Act, shall be paid to the Clerk of the Municipality by the Treasurer of the Municipality, and shall be distributed by the Clerk of the Municipality to the several persons entitled thereto. R. S. O. c. 174, s. 169. (38 V. c. 28, s. 39.)

Division VII.—Vacancies in Council.

By Crime, Insolvency, or Absence. Sec. 176.
Quo Warranto proceedings. Sec. 177.
By Resignation. Secs. 178, 179.
How filled—New Elections. Secs. 179-184.
Seat held for residue of term. Sec. 181.
Not to prevent organization of Council. Sec. 182.
In certain cases Council to fill. Sec. 184.

Seats to become vacant by crime, insolvency, absence, etc.

176. If after the election of any person as member of a Council he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the Council for three months without being authorized so to do by a resolution of the Council entered in its minutes, his seat in the Council shall thereby become vacant, and the Council shall declare the seat vacant and order a new election. R. S. O. c. 174, s. 170. (36 V. c. 48, s. 123.)

Quo warranto proceedings on omitting to vacate seat.

177. In the event of any member of any Municipal Council forfeiting his seat at the Council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat any such member, as provided by sections 185 to 206, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. R. S. O. c. 174, s. 171. (37 V. c. 16, s. 5.)

Any member may resign with consent of majority of council.

178. Any Mayor or other member of a Council may, with the consent of the majority of the members present, to be entered on the minutes of the Council, resign his seat in the Council. R. S. O. c. 174, s. 172. (36 V. c. 48, s. 124.)

Resignation of warden provided for.

179. The Warden of a County may resign his office by verbal intimation to the Council while in session, or by letter to the County Clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the Clerk shall notify all the members of the Council, and shall, if required by a majority of the members of the County Council, call a special meeting to fill such vacancy. R. S. O. c. 174, s. 173. (36 V. c. 48, s. 130.)

Vacancies, how filled.

180.

New election provided for, and mode of conducting same.

180. In case no return is made for one or more Wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a Council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the Council caused by resignation, death, judicial decision or otherwise, the head of the Council for the time being, or in case of his absence, or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the members of the Council, shall forthwith, by warrant, under the signature of such head, Clerk or member, if procurable, require the Returning Officers and Deputy Returning Officers appointed to hold the last election for the Municipality, Ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. R. S. O. c. 174, s. 174. (36 V. c. 48, s. 125.)

Term of office of person thereupon elected.

181. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. R. S. O. c. 174, s. 175. (36 V. c. 48, s. 126.)

Warrant for new election;

but neglect not to prevent organization of council.

182. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the warrant for the new election shall be issued by the head or a member of the Council for the previous year, or by the Clerk, in like manner, as provided by section 180, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council. R. S. O. c. 174, s. 176. (36 V. c. 48, s. 127.)

Time for holding, and notice of new election.

183. The Returning Officers and Deputy Returning Officers shall hold the new election at furthest within eight days after receiving the warrant, and the Clerk shall appoint a time and place for the nomination of candidates, and in case a poll is demanded, shall, at least four days before such polling, post up a public notice thereof under his hand in at least four of the most public places in the Municipality, Ward or polling subdivision. R. S. O. c. 174, s. 177. (36 V. c. 48, s. 128.)

Mode of appointing requisite number of members of council if election neglected, etc.

184. In case, at any annual or other election, the electors from any cause not provided for by sections 157 or 158, neglect or decline to elect the members of Council for a Municipality on the day appointed, or to elect the requisite number of members, the new members of the Council, if they equal or exceed the half of the Council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them,— shall appoint as many qualified persons as will constitute or complete

complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. R. S. O. c. 174, s. 178. (36 V. c. 48, s. 129.)

Division VIII—Controverted Elections.

How validity or right of election determined. Secs. 185–195.
Writ for removal, etc. Sec. 196.
If election of whole Council invalid. Sec. 197.
Disclaimer. Secs. 198–203.
Costs. Secs. 201, 203, 204.
Decision of Judge final—Enforcing Judgment. Sec. 205.
Judges may settle forms and practice. Sec. 206.

Trial of contested elections or right to elect.

185. In case the right of any Municipality to a Reeve or Deputy Reeve or Reeves, or in case the validity of the election or appointment of Mayor, Warden or Reeve, or Deputy Reeve, Alderman, or Councillor is contested, the same may be tried by a Judge of the High Court of Justice, or the Senior or officiating Judge of the County Court of the County in which the election or appointment took place; and when the right of a Municipality to a Reeve or Deputy Reeve or Reeves is the matter contested, any municipal elector in the County may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the Council or any elector of the Ward, or, if there is no Ward, of the Municipality for which the appointment was made, may be the relator for the purpose. R. S. O. c. 174, s. 179. (36 V. c. 48, s. 131.)

Time within which proceedings to be instituted, and security and proof required.

186. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a Commissioner for taking affidavits, in the sum of $200 with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of $100 each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. R. S. O. c. 174, s. 180. (36 V. c. 48, s. 132.)

Writ in nature of *quo warranto.*

187.

Evidence to be used on return of writ may be taken *viva voce* by leave of judge, etc.

187. The Judge of the High Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all parties interested, and such Judge shall return the evidence to the Registrar at Toronto of the Division from which the writ of summons was issued, and every party shall be entitled to a copy thereof. R. S. O. c. 174, s. 181. (36 V. c. 48, s. 133.)

When the relator claims to be elected.

188. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of and the alleged election of the relator or other person. R. S. O. c. 174, s. 182. (36 V. c. 48, s. 134.)

When several elections complained of.

189. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. R. S. O. c. 174, s. 183. (36 V. c. 48, s. 135.)

Where more writs than one all to be tried by the same judge.

190. Where more writs than one are brought to try the validity of an election, or the right to a Reeve or Deputy-Reeve or Reeves as aforesaid all such writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. R. S. O. c. 174, s. 184. (36 V. c. 48, s. 136.)

Writ, who to issue, and return day thereof.

191. The writ shall be issued by the Clerk of the Process of the said High Court, or by the Local or Deputy Registrar, or Deputy Clerk of the Crown in the County in which the election took place, and shall be returnable before a Judge in Chambers at Toronto, or before the Judge of the County Court at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ. R. S. O. c. 174, s. 185. (36 V. c. 48, s. 137.)

Service to be personal, unless excused by judge.

192. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. R. S. O. c. 174, s. 186. (36 V. c. 48, s. 139.)

Returning officer or deputy returning officer may be made a party.

193. The Judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the Returning Officer or any Deputy Returning Officer a party thereto. R. S. O. c. 174, s. 187. (36 V. c. 48, s. 138.)

194.

194. The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings. R. S. O. c. 174, s. 188. (36 V. c. 48, s. 140.) The judge may allow certain persons to intervene and defend.

195. The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a Reeve or Deputy Reeve or Reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section 210. R. S. O. c. 174, s. 189. (36 V. c. 48, s. 141.) Judge shall try summarily. Evidence. Trial.

196. In case the election complained of is adjudged invalid, the judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held. R. S. O. c. 174, s. 190. (36 V. c. 48, s. 142.) If election invalid, judge shall remove person not duly elected, and admit person elected, or cause new election.

197. In case the election of all the members of a Council is adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the Council, shall be directed to the Sheriff of the County in which the election took place; and the Sheriff shall have all the powers for causing the election to be held which a Municipal Council has in order to supply vacancies therein. R. S. O. c. 174, s. 191. (36 V. c. 48, s. 143.) If all the members ousted, etc., writ for new election to go to the sheriff.

198. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit post paid, through the post office, directed to "The Clerk of the Judge's Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of " (*as the case may be*), or may cause to be delivered to such Clerk or Judge a disclaimer signed by him, to the effect following: Defendant may disclaim except in certain cases. Mode of proceeding.

"I, *A. B.*, upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office Form.

office of Township Councillor (*or as the case may be*) for the Township of , in the County of (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

"Dated day of

(Signed) "*A. B.*"

R. S. O. c. 174, s. 192. (36 V. c. 48, s. 144.)

Posting and registry of disclaimer.

199. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. R. S. O. c. 174, s. 193. (36 V. c. 48, s. 145).

Person elected may disclaim at any time before his election is complained of.

200. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the Clerk of the Municipality a disclaimer signed by him as follows:—

Form.

"I, *A. B.*, do hereby disclaim all right to the office of Township Councillor (*or as the case may be*) for the Township of (*or as the case may be*), and all defence of any right I may have to the same."

R. S. O. c. 174, s. 194. (36 V. c. 48. s. 146.)

Disclaimer to operate as resignation.

Who to be deemed elected.

201. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the Councillor, or other officer, as the case may be. R. S. O. c. 174, s. 195. (36 V. c. 48. s. 147.)

Duplicate disclaimer to be delivered to clerk.

202. Every person disclaiming shall deliver a duplicate of his disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council. R. S. O. c. 174, s. 196. (36 V. c. 48, s. 148.)

Costs against person disclaiming.

203. No costs shall be awarded against any person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. R. S. O. c. 174, s 197. (36 V. c. 48, s. 149.)

Costs generally.

204. In all cases not otherwise provided for, costs shall be in the discretion of the Judge. R. S. O. c. 174, s. 198. (36 V. c. 48, s. 150.)

Judgment to be final and to be returned to the court.

Mode of enforcing judgment.

205. The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment, with all things had before him touching the same, into the Division from which the writ issued, there to remain of record as a judgment of the High Court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. R. S. O. c. 174, s. 199. (36 V. c. 48, s. 151.)

206.

206. The Judges of the High Court of Justice, or a majority of them may by rules settle the forms of the writs of summons, *certiorari, mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. R. S. O. c. 174, s. 200. (36 V. c. 48, s. 152.) The judges to make rules, etc.

Division IX.—Prevention of Corrupt Practices.

Bribery and undue influence defined. *Secs.* 207, 208.
Certain payments lawful. *Sec.* 209.
Evidence to be viva voce. *Sec.* 210.
Effect of the conviction of candidate for bribery. *Sec.* 211.
Penalties. *Sec.* 212.
How penalties recoverable. *Sec.* 213.
Report and record of convictions. *Secs.* 214, 215.
Witnesses, how procured—Self-crimination or privilege not to excuse from giving evidence. *Secs.* 216, 217.
Proceedings, within what time to be taken. *Sec.* 218.
When penalties not recoverable. *Sec.* 219.
Publication of the law against corrupt practices. *Sec.* 220.

207. The following persons shall be deemed guilty of bribery, and shall be punished accordingly:— Certain persons to be deemed guilty of bribery.

(1) Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a Municipality or part of a Municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law; Giving money to voters, etc. Procuring office, etc., for voters.

(2) Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any Municipal Council or Or for persons influencing voters.

or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law;

Corruptly influencing voters.

(3) Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law;

Advancing, etc., money for bribery, etc.

(4) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law;

Voter receiving money, etc., for vote, or agreeing for money to vote, etc.

(5) Every voter who, before or during any municipal election, or the voting on any such by-law, directly or indirectly by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law;

Receiving money, etc., after the election for voting, or inducing, etc., to vote.

(6) Every person who, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election, or upon any such by-law;

Hiring teams, etc.

(7) Every person who hires any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid. R. S. O. c. 174, s. 201. (36 V. c. 48, s. 153.)

Persons using violence or intimidation to be guilty of undue influence.

208. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter,

voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. R. S. O. c. 174, s. 202. (36 V. c. 48, s. 154.)

Expenses of candidates.

209. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R. S. O. c. 174, s. 203. (36 V. c. 48, s. 155.)

Evidence of corrupt practices on application in nature of *quo warranto* to be taken *viva voce*.

210. Where, in an application in the nature of a *quo warranto*, any question is raised as to whether the candidate or any voter has been guilty of any violation of section 207 or 208 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the High Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. R. S. O. c. 174, s. 204. (36 V. c. 48, s. 156.)

Penalty on candidates guilty of bribery, etc.

211. Any candidate elected at any municipal election, who is found guilty by the Judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. R. S. O. c. 174, s. 205. (36 V. c. 48, s. 157.)

Additional penalties.

212. Any person who is adjudged guilty of any offence within the meaning of sections 207 or 208 of this Act, shall incur a penalty of $20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. R. S. O. c. 174, s. 206. (36 V. c. 48, s. 159.)

Recovery of penalties.

213. The penalties imposed by section 212 of this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. R. S. O. c. 174, s. 207. (36 V. c. 48, s. 160.)

Judge to make return.

214. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 207 or 208 of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the Clerk of the Municipality wherein the offence has been committed. R. S. O. c. 174, s. 208. (36 V. c. 48, s. 161.)

215.

Clerk to keep book shewing names of persons guilty of offences, etc.

215. The Clerk of every Municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his Municipality who have been adjudged guilty of any offence within the meaning of section 207 or 208 of this Act, and of which he has been notified by the Judge who tried the case. R. S. O. c. 174, s. 209. (36 V. c. 48, s. 162.)

Attendance witnesses.

216. Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of such County Court Judge directing his attendance and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of *subpœna* so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpœna. R. S. O. c. 174, s. 210. (36 V. c. 48, s. 163.)

Witnesses not excused from answering on grounds of self crimination or privilege.

217. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any Court or before any Judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. R. S. O. c. 174, s. 211. (36 V. c. 48, s. 164.)

Proviso.

Limitation of actions.

218. All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section 207 or 208 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid. R. S. O. c. 174, s. 212. (36 V. c. 48, s. 165.)

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

219. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence

Proviso.

fence charged, and that such person was in fact the principal offender. R. S. O. c. 174, s. 213. (37 V. c. 7, s. 95.)

Copies of ss. 207-220 to be posted up prior to election.

220. The Clerk of every Municipality shall, prior to any election, or voting on any by-law furnish each Deputy Returning Officer with at least two copies of the sections of this Act, numbered from 207 to 220 inclusive, and it shall be the duty of the Deputy Returning Officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is Deputy Returning Officer. R. S. O. c. 174, s. 214; 43 V. c. 24, s. 5. (36 V. c. 48, s. 166.)

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

Div. I.—When and where held.
Div. II.—Conduct of Business.

Div. I.—When and where held.

First and subsequent meetings. *Secs.* 221–228.
Remuneration to members. *Secs.* 229, 230.

First meetings of councils.

221. The members of every Municipal Council (except County Councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every County Council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. R. S. O. c. 174, s. 215. (36 V. c. 48, s. 167.)

No business before declarations of office, etc.

222. No business shall be proceeded with at the first meeting of the Council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. R. S. O. c. 174, s. 216. (36 V. c. 48, s. 175.)

Election by county council of a warden.

223. The members elect of every County Council, being at least a majority of the whole number of the Council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a Council by electing one of themselves to be Warden. R. S. O. c. 174, s. 217. (36 V. c. 48, s. 120.)

Who to preside at election.

224. At every such election the Clerk of the Council shall preside, and if there is no Clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. R. S. O. c. 174, s. 218. (36 V. c. 48, s. 121.)

Who to have the casting vote in the event of equality of votes.

225. In case of an equality of votes on the election of the head of any County Council, or Provisional County Council, then of those present, the Reeve, or in his absence the Deputy Reeve of the Municipality which has the largest number of names on its last revised assessment roll, as ratepayers, shall have a second and casting vote. R. S. O. c. 174, s. 219. (36 V. c. 48. s. 122.)

Place of first meeting.

226. The members of every County Council shall hold their first meeting at the County Hall if there is one, or otherwise at the County Court House. R. S. O. c. 174, s. 220. (36 V. c. 48, s. 168.)

Place of subsequent meeting of county council, etc.

227. The subsequent meetings of the County Council, and all the meetings of every other Council shall be held at such place, either within or without the Municipality, as the Council from time to time, by resolution on adjourning to be entered on the minutes, or by-law appoints. R. S. O, c. 174, s. 221. (36 V. c. 48, s. 169.)

Place of meeting may be in cities, etc.

228. The Council of any County or Township in which any City, Town, or incorporated Village lies, may hold its sittings, keep its public offices, and transact all the business of the Council and of its officers and servants within such City, Town or incorporated Village, and may purchase and hold such real property therein as may be convenient for such purposes. R. S. O. c. 174, s. 222. (36 V. c. 48, s. 170.)

Remuneration to councillors and committee-men limited.

229. The Council of every Township and County may pass by-laws for paying the members of the Council for their attendance in Council, or any member while attending on committee of the Council, at a rate not exceeding three dollars *per diem*, and five cents per mile necessarily travelled (to and from) for such attendance. R. S. O. c. 174, s. 223. (36 V. c. 48, s. 172; 40 V. c. 7, *Sched.* A (171).)

Remuneration of mayor, etc.

230. The Head of the Council of any County, City, Town or incorporated Village may be paid such annual sum or other remuneration as the Council of the Municipality may determine. R. S. O. c. 174, s. 224. (36 V. c. 48, s. 173; 40 V. c. 7, *Sched.* A (172).)

Division II.—Conduct of Business.

Ordinary meetings to be open to public. *Sec.* 231.
Quorum. *Secs.* 232, 233.
Who to preside. *Secs.* 234, 236-238.
Special meetings. *Secs.* 234, 236.
Presiding officers may vote. *Sec.* 239.
Equality of votes negatives question. *Sec.* 239.
Power to adjourn. *Sec.* 240.

Ordinary meetings to be open.

231. Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the Council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. R. S. O. c. 174, s. 225. (36 V. c. 48, s. 174.)

Quorum.

232. A majority of the whole number of members required by law to constitute the Council shall be necessary to form a quorum. R. S. O. c. 174, s. 226. (36 V. c. 48, s. 176.)

In councils of five, three must concur.

233. When a Council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. R. S. O. c. 174, s. 227. (36 V. c. 48, s. 177.)

The heads of councils to preside. Special meetings.

234. The head of every Council shall preside at the meetings of Council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the Council. R. S. O. c. 174, s. 228. (36 V. c. 48, s. 178.)

Special meeting, where to be held.

235. In case there is no by-law of a Council fixing the place of meeting, any special meeting of the Council shall be held at the place where the then last meeting of the Council was held, and a special meeting may be open or closed as in the opinion of the Council, expressed by resolution in writing, the public interest requires. R. S. O. c. 174, s. 229. (36 V. c. 48, s. 171.)

May be either open or closed.

When reeve or deputy reeve to preside.

236. In case of the death or absence of the head of a Town Council, the Reeve, and in case of the absence or death of both of them, the Deputy Reeve, and in case of the death or absence of the head of a Village or Township Council, the Deputy Reeve shall preside at the meetings of the Council, and may at any time summon a special meeting thereof; but if there be more than one Deputy Reeve, the Council shall determine which of them shall preside at their meeting. R. S. O. c. 174, s. 230. (36 V. c. 48, s. 179.)

237.

Absence of head, etc., provided for.

237. In the absence of the head of the Council, and in the case of a Town, Village or Township, in the absence also of the Reeve, if there be one, and also of the Deputy Reeve or Deputy Reeves, if there be one or more, by leave of the Council or from illness, the Council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the Council. R. S. O. c. 174, s. 231. (36 V. c. 48, s. 180.)

Casual absence provided for.

238. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. R. S. O. c. 174, s. 232. (36 V. c. 48, s. 181.)

Head may vote.

Question negatived in case of equality of votes.

239. The head of the Council, or the presiding officer or chairman of any meeting of any Council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R. S. O. c. 174, s. 233. (36 V. c. 48, s. 182.)

Adjournment.

240. Every Council may adjourn its meetings from time to time. R. S. O. c. 174, s. 234. (36 V. c. 48, s. 183.)

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEAD.
DIV. II.—THE CLERK.
DIV. III.—THE TREASURER.
DIV. IV.—ASSESSORS AND COLLECTORS.
DIV. V.—AUDITORS AND AUDIT.
DIV. VI.—VALUATORS.
DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.
DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

DIVISION I.—THE HEAD.

Who to be. Sec. 241.
Duties. Sec. 242.

Who to be head of council.

241. The head of every County and Provisional Corporation shall be the Warden thereof, and of every City and Town the Mayor

Mayor thereof, and of every Township and incorporated Village the Reeve thereof. R. S. O. c. 174, s. 235. (36 V. c. 48, s. 184.)

Duties of head of council.

242. The head of the Council shall be chief executive officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the Municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the Municipality. R. S. O. c. 174, s. 236. (36 V. c. 48, s. 185.)

Division II.—The Clerk.

Appointment and duties of. *Sec.* 243.
Absence of. *Sec.* 244.
Records and papers may be inspected. *Sec.* 245.
Return of statistics. *Secs.* 246-249.
Penalty for not making returns. *Secs.* 246, 247.
Returns to be laid before the Legislature. *Sec.* 250.
Effect on municipalities of clerk not making returns. *Sec.* 251.

Appointment of clerk, and his duties.

243. Every Council shall appoint a Clerk; and the Clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council, and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the Council, all of which he shall so keep in his office, or in the place appointed by by-law of the Council. R. S. O. c. 174, s. 237. (36 V. c. 48, s. 186.)

Provision for absence, etc., of clerk.

244. The Council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of Clerk, some other person to be named in such resolution, or to be appointed under the hand and seal of such Clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the Clerk. R. S. O. c. 174, s. 238. (36 V. c. 48, s. 187.)

245.

Minutes, etc., to be open to inspector.

Copies to be furnished, and charges therefor, etc.

245. Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the Clerk, at all seasonable times, and the Clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the Council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the Municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. R. S. O. c. 174, s. 239. (36 V. c. 48, s. 188.)

Clerk to transmit a yearly return of ratepayers to the Provincial Treasurer.

246. The Clerk of every City, Town, incorporated Village and Township shall, on or before the first day of December in each year, under a penalty of $20, to be paid to the Treasurer of Ontario in case of default, transmit to the Treasurer of Ontario a true return of the number of resident ratepayers appearing on the revised assessment roll of his Municipality for the year, and shall accompany such return with an affidavit of the correctness of the same made before a Justice of the Peace verifying the same in the following form:—

Oath of verification.

I, *A. B.*, Clerk of the Municipality of the City, Town, Township *or* Village (*as the case may be*), of make oath and say, that the (above, within written, *or* annexed, *as the case may be*) return, contains a true statement of the number of resident ratepayers appearing on the assessment roll of the said City (Town, Township *or* Village) for the year one thousand eight hundred and

(Signed) *A. B.*

Sworn before me, &c.

R. S. O. c. 174, s. 240. (36 V. c. 48, s. 189.) *See also R. S. O.* c. 28, s. 5.

To make a yearly return to the county clerk.

247. The Clerk of every Township, Village and Town shall in each year, within one week after the first day in March, under a penalty of $20 in case of default, make a return to the Clerk of the County in which the Municipality is situate, of the following particulars respecting his Municipality for the year then last past, namely:

What such return shall shew.

Heads of columns to be varied according to the form of the assessment rolls required by law.

1. Number of persons assessed.
2. Number of acres assessed.
3. Total actual value of real property.
4. Total of taxable incomes.
5. Total value of personal property.
6. Total amount of assessed value of real and personal property.
7. Total amount of taxes imposed by by-laws of the Municipality.
8. Total amount of taxes imposed by by-laws of the County Council.

9. Total amount of taxes imposed by by-laws of any Provisional County Council.
10. Total amount of taxes as aforesaid.
11. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
12. Total amount of income from Licenses.
13. Total amount of income from Public Works.
14. Total amount of income from shares in incorporated Companies.
15. Total amount from all other sources.
16. Total amount of income from all sources.
17. Total expenditure on account of roads and bridges.
18. Total expenditure on account of other public works and property.
19. Total expenditure on account of stock held in any incorporated Company.
20. Total expenditure on account of Schools and Education, exclusive of School Trustees' Rates.
21. Total expenditure on account of the support of the poor, or charitable purposes.
22. Total expenditure on account of debentures and interest thereon.
23. Total gross expenditure on account of Administration of Justice in all its branches.
24. Amount received from Government on account of Administration of Justice.
25. Total net expenditure on account of Administration of Justice.
26. Total expenditure on account of salaries, and the expenses of Municipal Government.
27. Total number of sheep worried by dogs, and the amount paid therefor by the Municipality.
28. Total expenditure on all other accounts.
29. Total expenditure of all kinds.
30. Total amount of liabilities secured by debentures.
31. Total amount of liabilities unsecured.
32. Total liabilities of all kinds.
33. Total value of real property belonging to Municipality.
34. Total value of stock in incorporated Companies owned by Municipality.
35. Total amount of debts due to Municipality.
36. Total amount of arrears of taxes.
37. Balance in hands of Treasurer.
38. All other property owned by Municipality.
39. Total assets.

R. S. O. c. 174, s. 241. (36 V. c. 48, s. 190.)

County clerk to make a return to the Provincial Secretary.

248. The Clerk of every County shall, before the first day of April in each year, prepare and transmit to the Provincial Secretary a statement of the aforesaid particulars respecting all the Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite

site to it, each in a separate column, together with the sum total of all the columns for the whole County, and shall also make at the same time a return of the same particulars respecting his County, as a separate Municipality, and also of the following particulars:—

1. Number of Public School Inspectors.
2. Amount paid to School Inspectors.
3. Total amount paid to Sheriffs.
4. Total amount paid to County Crown Attorney.
5. Total amount paid to Clerk of the Peace.
6. Total amount paid for constable and police service.

R. S. O. c. 174, s. 242. (36 V. c. 48, s. 191; 40 V. c. 7, *Sched. A.* (173).)

And also clerks of cities and towns.

249. The Clerk of every City and Town separated from a County shall, before the first day of April in each year, make a return to the Provincial Secretary of the particulars in section 247 mentioned respecting his City or Town. R. S. O. c. 174, s. 243. (36 V. c. 48, s. 192.)

Provincial Secretary to lay returns before the Legislative Assembly.

250. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before the Legislative Assembly a copy of all returns hereinbefore required to be made. R. S. O. c. 174, s. 244. (36 V. c. 48, s. 193.)

Moneys payable to municipality to be retained if returns not made.

251. The Treasurer of the County shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Clerk of the County that the Clerk of such Municipality has not made the return hereinbefore required; and the Treasurer of Ontario shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the returns hereinbefore required. R. S. O. c. 174, s. 245. (36 V. c. 48, s. 194.)

DIVISION III.—THE TREASURER.

His appointment, security, duties, etc. Secs. 252–254.
Powers of successor, when Treasurer is dismissed or absconds. Sec. 255.

Treasurer to be appointed.

To give security.

Annual inquiry as to sufficiency of.

252. Every Municipal Council shall appoint a Treasurer, who may be paid either by salary or by a percentage and every Treasurer, before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every Council in each and every year to inquire into the sufficiency of the security given by such Treasurer, and report thereon. R. S. O. c. 174, s. 246. (36 V. c. 48. s. 195.)

253

253. Every Treasurer shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the Council of the Municipal Corporation, whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed or to be performed; and such Treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the Council of the Municipality of which he is the Treasurer, unless where another disposition is expressly made of such moneys by statute. R. S. O. c. 174, s. 247. (36 V. c. 48, s. 196.)

To receive and take care of and disburse moneys, etc.

His liability limited.

(2) In case of the death of a County Treasurer the Warden for the time being may, by warrant under his hand and seal, appoint a Treasurer *pro tem.* for such special purpose or purposes as the Warden may deem necessary, who shall hold office until the next meeting of the Council, and all acts performed by him authorized by said warrant shall be as valid and binding as if performed by a Treasurer regularly appointed; Provided always that the Warden shall in and by such warrant of appointment direct what security shall be given by such Treasurer *pro tem.* for the faithful performance of his duties and especially for duly accounting for and paying over all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased Treasurer until a proper audit shall be made. 42 V. c. 31, s. 8.

Appointment of treasurer, *pro tem.*

Proviso.

254. Every Treasurer shall also prepare and submit to the Council half-yearly a correct statement of the moneys at the credit of the Corporation whose officer he is; and in Cities, Towns, incorporated Villages and Townships which have passed by-laws requiring this to be done, the Treasurer shall, on or before the twentieth day of December in each year, prepare and transmit to the Clerk of the Municipality a list of all persons who have not paid their Municipal taxes on or before the fourteenth day of said month of December. R. S. O. c. 174, s. 248. (36 V. c. 48, s. 197.) *See* ss. 81, 490 (2).

Half-yearly statement of assets.

Annual list of persons in default for taxes.

255. In case any Treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to such Municipality. R. S. O. c. 174, s. 249. (36 V. c. 48, s. 198.)

Provision on dismissal from office.

Division IV.—Assessors and Collectors.

(*See also R. S. O.* c. 180, ss. 10, 11.)

Appointment of. *Secs.* 256, 257.
Assessment Commissioner—Board of Assessors—Percentage on unpaid taxes. *Sec.* 257.
Township Collectors to act for Provisional Corporations —Disposal of moneys. *Secs.* 258, 259.

Assessors and collectors, appointment and qualification of.

256. The Council of every City, Town, Township, and incorporated Village shall, as soon as may be convenient after the annual election, appoint as many Assessors and Collectors for the Municipality as the Assessment Laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the Council shall not appoint as Assessor or Collector a member of the Council.

(2) The same person may, in a City, Town or Township, be appointed Assessor or Collector for more than one Ward or polling sub-division.

(3) In Municipalities which have passed by-laws requiring taxes to be paid on or before the fourteenth day of December, it shall be the duty of the Collectors, on the fifteenth day of December in each year, upon oath, to return to the Treasurer the names of all persons who have not paid their municipal taxes on or before the fourteenth day of the said month of December. R. S. O. c. 174, s. 250. (36 V. c. 48, s. 199.)

In cities, assessment commissioner may be appointed instead of such assessors, etc.

257. In Cities, the Council, instead of appointing Assessors under the foregoing section, may appoint an Assessment Commissioner, who, in conjunction with the Mayor for the time being, shall, from time to time, appoint such Assessors and Valuators as may be necessary, and such Commissioner, Assessors, and Valuators shall constitute a Board of Assessors, and shall possess all the powers and perform the duties of Assessors appointed under the last preceding section; and the Council shall also have power by by-law to determine the number of Collectors to be appointed, and prescribe their duties, and may by by-law require the payment of taxes to be made into the office of the Treasurer by a day to be named, and in default may in said by-law impose an additional percentage charge on every unpaid tax or assessment, which shall be added to such unpaid tax or assessment, and collected by the Collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment; and any Commissioner, Assessor or Collector to be appointed by any City need not be appointed annually, but shall hold office at the pleasure of the Council; and all notices, in other municipalities required to be given to the Clerk of the Municipality in matters relative to assessment shall in such City be given to the Assessment Commissioner. R. S. O. c. 174, s. 251. (36 V. c. 48, s. 200.)

On default of payment of taxes, additional percentage may be imposed.

Tenure of office of commissioner, assessors, etc.

Collector of provisional council.

Payments.

258. The Collectors of the several Townships in a Junior County of a Union of Counties shall *ex officio* be Collectors in such Townships for the Provisional Council, and the Collectors shall pay over to the Provisional Treasurer the money they collect under any by-law of the Provisional Council. R. S. O. c. 174, s. 252. (36 V. c. 48, s. 201.)

259. The money so collected shall be deemed the money of the Union, so far as necessary to make the Collectors and their sureties responsible to the Union therefor; and in case the Corporation of the Union receives the same, such Corporation shall immediately pay the amount to the Provisional Treasurer, retaining the expenses of collection. R. S. O. c. 174, s. 253. (36 V. c. 48, s. 202.) Moneys, how to be disposed of.

Division V.—Auditors and Audit.

Appointment and duties. *Secs.* 260, 261.
Abstract of receipts and expenditures. *Sec.* 262.
Publication of audit. *Sec.* 263.
Returns to Government. *Sec.* 264.
Council to finally audit. *Sec.* 265.
County Council to regulate and audit County moneys. *Sec.* 266.
Audit, how often to be made. *Sec.* 267.
Special provisions relating to Toronto. *Secs.* 268-270.

260. Every Council shall, at the first meeting thereof in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the head of the Council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was Clerk or Treasurer of the Council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor. R. S. O. c. 174, s. 254. (36 V. c. 48, s. 203.) Auditors. Disqualification for office of.

261. The Auditors shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding their appointment. R. S. O. c. 174, s. 255. (36 V. c. 48, s. 204.) Duties of.

262. The Auditors shall prepare an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the Clerk of the Council within one month after their appointment; and thereafter any inhabitant or ratepayer of the Municipality may inspect one of such duplicate reports at all seasonable hours, and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. R. S. O. c. 174, s. 256. (36 V. c. 48, s. 205.) To prepare abstract and detailed statement of receipts and expenditure, etc.

263.

Clerks to publish abstracts and statements.

263. The Clerk shall publish the Auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the Council directs, and in case of a minor Municipality the Clerk shall transmit to the Clerk of the County Council a copy of such abstract and statement, and the same shall be kept by the Clerk of the County Council as a record of his office. R. S. O. c. 174, s. 257. (36 V. c. 48, s. 206; 40 V. c. 7, *Sched.* A (174).)

Abstract to be sent yearly to Provincial Secretary.

264. The clerk shall, on or before the first day of June in each year, under a penalty of $20 in case of default, transmit to the Provincial Secretary a certified copy of the auditors' abstract statement of the receipts and expenditures of the preceding year, and also a certified copy of the assets and liabilities of his Municipality as prepared by the said auditors. 43 V. c. 24, s. 6.

The council to audit finally, etc.

265. The Council shall, upon the report of the Auditors, finally audit and allow the accounts of the Treasurer and Collectors, and all accounts chargeable against the Corporation; and in case of charges not regulated by law, the Council shall allow what is reasonable. R. S. O. c. 174, s. 258. (36 V. c. 48, s. 207.)

Audit of moneys to be paid by Treasurer.

266. Unless otherwise provided, every County Council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the County Treasurer. R. S. O. c. 174, s. 259. (36 V. c. 48, s. 208.)

Audit of accounts in cities and towns.

In other municipalities.

267. In Cities and Towns the Council may also appoint an Auditor, who shall, daily or otherwise as directed by the Council, examine and report and audit the accounts of the Corporation, in conformity with any regulation or by-law of the Council; and in other Municipalities the Auditors shall also, monthly or quarterly, as directed by by-law, examine into and audit the accounts of the Corporation. R. S. O. c. 174, s. 260. (36 V. c. 48, s. 209.)

Appointment of auditors by the city of Toronto.

268. Notwithstanding anything in this Act, the Council of the Corporation of the City of Toronto shall, during the month of December in each year, appoint two Auditors. R. S. O. c. 174, s. 261. (35 V. c. 77, s. 1.)

Mode of filling vacancies.

(2) The said Council in the event of a vacancy happening by death, resignation or otherwise may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made.

Audit of accounts before payment.

(3) The said Council may also, by by-law, provide that the said Auditors shall audit all accounts before payment. 43 V. c. 24, s. 22.

269.

269. Notwithstanding as aforesaid, the Auditors for the said City shall every month, commencing at the end of the first month in the following year, and so on to the end of such year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction. R. S. O. c. 174, s. 262. (35 V. c. 77, s. 2.) Monthly audit by auditors of City of Toronto.

270. The said Auditors shall discharge the duties imposed upon Auditors by section 262 of this Act within one month after the thirty-first day of December in each year. R. S. O. c. 174, s. 263. (35 V. c. 77, s. 3.) Annual report by auditors of City of Toronto.

Division VI.—Valuators.

Appointment and Duties. Sec. 271.

271. The Council of every County may appoint two or more Valuators for the purpose of valuing the real property within the County, whose duty it shall be to ascertain in every fifth year at furthest, the value of the same in the manner directed by the County Council; but such Valuators shall not exceed the powers possessed by Assessors; and the valuation so made shall be made the basis of equalization of the real property by the County Council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. R. S. O. c. 174, s. 264. (36 V. c. 48, s. 210.) County council may appoint valuators, their duties, etc. Equalization of real property.

Division VII.—Duties of Officers Respecting Oaths and Declarations.

Declarations of office and qualification. Secs. 272, 274.
Before whom made. Sec. 275.
Certificate of Declaration. Sec. 275.
Persons to administer oaths and declarations. Sec. 276.
Record and deposit of. Sec. 277.
Oaths respecting matter before Council. Sec. 278.
Penalty for refusing office, or not making or refusing to administer declarations. Sec. 279.

272. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following: Declaration of office by certain officers.

I, *A. B.*, do solemnly declare that I am a natural born (*or* naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (*or* have and had in right of my wife, *as the case may be*), as Declaration o qualification.

as proprietor (*or* tenant, *as the case may be*), at the time of my election (*or* appointment, *as the case may require*), to the office of

Form of. hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*), and that such estate is (*the nature of the estate to be specified, as* an equitable estate of leasehold *or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*), and that such estate at the time of my election (*or* appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same.

R. S. O. c. 174, s. 265. (36 V. c. 48, s. 211.)

(2) But where any person has been elected as Reeve, Deputy Reeve, or Councillor of any Township Council he may instead of the foregoing declaration make and subscribe a solemn declaration to the effect following:

I, *A. B.*, do solemnly declare that I am a natural born (*or* naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (*or* have and had in right of my wife, *as the case may be*) as proprietor at the time of my election to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected*), and that such estate is (*the nature of the estate to be specified and the land to be designated by its local description*), and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (*naming it*) at an amount not less than $4000. *New.*

Declaration of office by certain officers.

273. Every Returning Officer, Deputy Returning Officer and Poll Clerk, every Member of a Municipal Council, every Mayor, and every Clerk, Assessor, Collector, Constable, and other officer appointed by a Council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:

Form of declaration of office. I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or* appointed) in this Township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation.

R. S. O. c. 174, s. 266. (36 V. c. 48, s. 212.)

Auditor's declaration.

274. The solemn declaration to be made by every Auditor shall be as follows:

Form of. I, *A. B.*, having been appointed to the office of Auditor for the Municipal Corporation of , do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, *if reappointed*) with, by, or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment, except that of Auditor for the present year.

R. S. O. c. 174, s. 267. (36 V. c. 48, s. 213.)

275.

Before whom declaration to be made.

275. The head and other members of the Council, and the subordinate officers of every Municipality, shall make the declaration of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the Municipality for which such head, members or officers have been elected or appointed, or before the Clerk of the Municipality; and the Court, Judge, or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. R. S. O. c. 174, s. 268. (36 V. c. 48, s. 214.)

Certificate of declaration.

Certain officers may administer certain oaths, etc., within municipality.

276. The head of any Council, any Alderman, Reeve or Deputy Reeve, any Justice of the Peace and Clerk of a Municipality may, within the Municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. R. S. O. c. 174, s. 269. (36 V. c. 48. s. 215.)

Oath or declaration to be subscribed by deponent and deposited with clerk of municipality.

277. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk of the Municipality to the affairs of which it relates. R. S. O. c. 174, s. 270. (36 V. c. 48, s. 216.)

Head of council may administer certain oaths, etc.

278. The head of every Council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council. R. S. O. c. 174, s. 271. (36 V. c. 48, s. 217.)

Penalty for refusing to accept office or administer declaration, etc.

279. Every qualified person duly elected or appointed to be a Mayor, Alderman, Reeve or Deputy Reeve, Councillor, Police Trustee, Assessor or Collector of or in any Municipality, who refuses such office, or does not within 20 days after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer any such declaration, who upon reasonable demand refuses to administer the same, shall on summary conviction thereof before two or more Justices of the Peace, forfeit not more than $80, nor less than $8, at the discretion of such Justices, to the use of the Municipality, together with the cost of prosecution. R. S. O. c. 174, s. 272; 43 V. c. 24, s. 7. (36 V. c. 48, s. 218.)

How enforced.

DIVISION

DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

Appointment and remuneration of officers. *Sec.* 280.
Tenure of office and duties. *Sec.* 281.
Gratuities to retiring officers. *Sec.* 282.
Security to be given by officers. *Sec.* 283.
Criminal liabilities of officers. 29-30 V. c. 51, ss. 187, 188.

Salaries of officers.

280. In case the remuneration of any of the officers of the Municipality has not been settled by Act of the Legislature, the Council shall settle the same, and the Council shall provide for the payment of all Municipal officers, whether the remuneration is settled by statute or by by-law of the Council.

Mode of appointment.

(2) No Municipal Council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration. R. S. O. c. 174, s. 273. (36 V. c. 48, s. 219.)

When municipality employing solicitor at a salary may recover costs.

(3) Where an attorney, solicitor or counsel, is employed by any municipality, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding, have the right to recover and collect lawful costs in all suits and proceedings in the same manner as if such attorney, solicitor or counsel, was not receiving such salary, when such costs are by the terms of his employment payable to such attorney, solicitor or counsel as part of his remuneration in addition to his salary. 44 V. c. 24, s. 5.

Tenure of office.

Duties.

281. All officers appointed by a Council shall hold office until removed by the Council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the Council. R. S. O. c. 174, s. 274. (36 V. c. 48, s. 220.)

A gratuity may be given in certain cases.

282. Any Municipal Council, other than a Provisional Council, may grant to any officer who has been in the service of the Municipality for at least 20 years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. R. S. O. c. 174, s. 275. (36 V. c. 48, s. 221.)

Corporations, etc., may accept security of certain companies for their officers.

283. The bonds or policies of guarantee of any incorporated or Joint Stock Company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of any Municipal Corporation, in all cases where, by the provisions of this or any other Act or of any by-law of such Corporation, such officer or servant is required to give security, either

either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such Company as aforesaid, and approve the terms and conditions thereof; and all the provisions in any such Act relating to such security, to be given by any such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such Company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. R. S. O. c. 174, s. 276. (27-8 V. c. 7. s. 2.)

Provisions respecting such security to apply.

Existing bonds may be cancelled.

[*The following enactments, creating criminal liabilities, are made by Sections* 187 *and* 188 *of* 29-30 *V. c.* 51 :—

EMBEZZLEMENT OF BOOKS, MONEYS, ETC.

187. All books, papers, accounts, documents, moneys, and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any council, kept or received by virtue of his office or employment, shall be the property of the Corporation; and in case any such person or officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master; but nothing herein shall affect any remedy of the Corporation or of any other person against the offender or his sureties, or any other party; nor shall the conviction of such offender be receivable in evidence in any suit, at Law or in Equity, against him.

Embezzlement by municipal officers.

STEALING WRITS OF ELECTION, POLL-BOOKS, ETC.

188. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any writ of election or any return to a writ of election, or any indenture, poll-book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections—every such offender shall be guilty of felony, and shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence has been committed, was or is the property of any person, or that the same was or is of any value.]

Stealing or destroying, etc., certain documents relating to municipal elections to be felony.

Punishment.

Value of document need not be stated.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.
II.—RESPECTING BY-LAWS.
III.—RESPECTING FINANCE.
IV.—ARBITRATIONS.
V.—DEBENTURES AND OTHER INSTRUMENTS.
VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT.

Confined to Municipality—How exercised. *Sec.* 284.
General Powers. *Sec.* 285.
Traders' license fees. *Sec.* 286.
May not grant monopolies. *Sec.* 287.
Except as to Ferries. *Sec.* 288.

Jurisdiction of councils.

284. The jurisdiction of every Council shall be confined to the Municipality the Council represents, except where authority beyond the same is expressly given and the powers of the Council shall be exercised by by-law when not otherwise authorized or provided for. R. S. O. c. 174, s. 277. (36 V. c. 48, s. 222.)

General power to make regulations;

To repeal, alter, etc., by-laws.

285. Every Council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the Council, the conduct of its members, the appointing or calling of special meetings of the Council, and generally such other regulations as the good of the inhabitants of the Municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. R. S. O. c. 174, s. 278. (36 V. c. 48, s. 223.)

Traders' license fees.

286. In all cases where, under the provisions of this Act, or of any other Act, any Council or the Board of Commissioners of Police, in any City, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the said Council and the said Board of Commissioners of Police, respectively, shall have the power to pass by-laws for fixing the sum to be paid for any such

such license for exercising any such trade, calling, business, or profession, in the Municipality, and enforcing the payment of such license fee, and determining the time the license shall be in force. 42 V. c. 31, s. 23.

Granting monopolies prohibited.

287. No Council shall have the power to give any person an exclusive right of exercising within the Municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the Council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. R. S. O. c. 174, s. 279. (36 V. c. 48, s. 224.)

Proviso.

Privileges of ferry.

288. A Council may grant exclusive privileges in any ferry which may be vested in the Corporation represented by such Council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. R. S. O. c. 174, s. 280. (36 V. c. 48, s. 225.) *See* B. N. A. Act, 1867, s. 91 (13); *R. S. O.* c. 112; 45 V. c. 13; *and sec.* 495 (4), *post.*

Exception as to certain ferries.

TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF BY-LAWS.
DIV. II.—OBJECTIONS BY RATEPAYERS.
DIV. III.—VOTING ON BY ELECTORS.
DIV. IV.—CONFIRMATION OF BY-LAWS.
DIV. V.—QUASHING OF BY-LAWS.
DIV. VI.—BY-LAWS CREATING DEBTS.
DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.
DIV. VIII.—ANTICIPATORY APPROPRIATIONS.

DIVISION. I.—AUTHENTICATION OF BY-LAWS.

Original. Sec. 289.
Evidence of. Sec. 290.
Proof of facts for Lieutenant-Governor. Sec. 291.

How by-laws to be authenticated.

289. Every by-law shall be under the seal of the Corporation, and shall be signed by the head of the Corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the Clerk of the Corporation. R. S. O. c. 174, s. 281. (36 V. c. 48, s. 226.)

Evidence of.

290. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the Corporation, and

and certified to be a true copy by the Clerk, and by any member of the Council, shall be deemed authentic, and be received in evidence in any Court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. R. S. O. c. 174, s. 282. (36 V. c. 48, s. 227.)

By-laws requiring assent of the Lieut.-Gov.

291. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the Council, and by the Treasurer and Clerk thereof, and by such other person and on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the Council, whose declaration the Lieutenant-Governor in Council may accept. R. S. O. c. 174, s. 283. (36 V. c. 48, s. 228.)

DIVISION II.—OBJECTIONS BY RATEPAYERS.

When and how made. Sec. 292.
When Council shall act on objections. Sec. 293.

Opposition to by-laws.

292. In case any person rated on the assessment roll of any Municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such Municipality or place, he shall, on petitioning the Council, be at liberty to attend in person, or by counsel or attorney, before the Council at the time at which the by-law is intended to be considered, or before a committee of the Council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. R. S. O. c. 174, s. 284. (36 V. c. 48, s. 229.)

How to be made.

When by-laws shall not pass.

293. If the Council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the Council is satisfied that the notice required by law was not duly given, the Council shall not pass the by-law. R. S. O. c. 174, s. 285. (36 V. c. 48, s. 230.)

Division III.—Voting on by Electors.

Proceedings preliminary to the Poll. *Secs.* 294-305.
The Poll. *Secs.* 306-320.
Who to Vote. *Secs.* 309–311.
Freeholders. *Sec.* 309.
Leaseholders. *Sec.* 310.
Oath of Freeholder. *Sec.* 312.
Oath of Leaseholder. *Secs.* 313, 314.
Proceedings after close of Poll. *Secs.* 315-320.
Requisites of certain bonus by-laws. *Sec.* 321.
Secrecy of Proceedings. *Secs.* 322, 323.
Scrutiny. *Secs.* 324-327.
Passing by-laws by Council. *Secs.* 328, 329.

294. In case a by-law requires the assent of the electors of a Municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for: If a by-law requires the assent of the electors, mode of obtaining same.

(1) The Council shall by the by-law fix the day and hour for taking the votes of the electors, and such places in the Municipality as the Council shall in their discretion deem best for the purpose, and where the votes are to be taken at more than one place, shall name a Deputy Returning Officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-law. R. S. O. c. 174, s. 286 (1). (36 V. c. 48, s. 231 (1); 40 V. c. 8, s. 51.) Time and place of voting to be fixed by the by-law.

(2) The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the Council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and the Council shall put up a copy of the by-law at four or more of the most public places in the Municipality. 43 V. c. 24, s. 8. Publication of by-law.

(3) Appended to each copy so published and posted shall be a notice signed by the Clerk of the Council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. R. S. O. c. 174, s. 286 (3). (36 V. c. 48, s. 231 (3).) Notice.

295. Forthwith after the day has been fixed as aforesaid, for taking the votes of electors with respect to the by-law, the Clerk of the Municipal Council which proposed the by-law shall Ballot papers to be printed.

shall cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. R. S. O. c. 174, s. 287. (39 V. c. 35, s. 1.)

Form of.

296. The ballot papers shall be according to the form of Schedule J to this Act. R. S. O. c. 174, s. 288. (39 V. c. 35, s. 2.)

Council to fix a day for appointment of persons to attend at polling places, and for summing up votes.

297. The Council shall by the by-law fix a time when, and a place where the Clerk of the Council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of the by-law respectively. R. S. O. c. 174, s. 289. (39 V. c. 35, s. 3.)

Selection of agents.

298. At the time and place named the head of the Municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. R. S. O. c. 174, s. 290. (39 V. c. 35, s. 4.)

Agent to make declaration.

299. Before any person is so appointed he shall make and subscribe before the head of the Municipality a declaration in the form of Schedule K to this Act, that he is interested in and desirous of promoting or opposing (as the case may be) the passing of the by-law. R. S. O. c. 174, s. 291. (39 V. c. 35, s. 5.)

Admission of agents to polling place, etc.

300. Every person so appointed, before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the Deputy Returning Officer or Clerk of the Municipality, as the case may be, his written appointment. R. S. O. c. 174, s. 292. (39 V. c. 35, s. 6.)

Appointment in absence of agent.

301. In the absence of any person authorized as aforesaid to attend at any polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the Deputy Returning Officer at the polling place or the Clerk of the Municipality a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. R. S. O. c. 174, s. 293. (39 V. c. 35, s. 7.)

Exclusion from polling place.

302. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or electors authorized to attend

attend as aforesaid at such polling place. R. S. O. c. 174, s. 294. (39 V. c. 35, s. 8.)

Deputy returning officers, poll clerks, and agents may vote at polling place where they are employed,

303. The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as the person to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that such Deputy Returning Officer, Poll Clerk or person is entitled to vote for or against such by-law at the polling place where such elector is stationed during the polling day, and such certificate shall also state the property or other qualification in respect to which he is entitled to vote.

on certificate from the clerk of the municipality.

(2) On the production of such certificate, such Deputy Returning Officer, Poll Clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the Ward, or polling sub-division where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk or person during the day of polling.

Who to administer oath in such case.

(3) In case of a Deputy Returning Officer voting at the polling place at which he is appointed to act, the Poll Clerk, or in the absence of the Poll Clerk, any one authorized to be present at such polling place, may administer to such Deputy Returning Officer the oath required to be taken of voters qualified to vote on the by-law. R. S. O. c. 174, s. 295. (39 V. c. 35, s. 9.)

Who to conduct the poll in municipalities divided into wards.

304. In the case of Municipalities which are divided into Wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every Ward or polling sub-division, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled, under the provisions of sections 309 and 310 of this Act, to vote in that Ward or polling sub-division, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. c. 174, s. 296; 45 V. c. 23, s. 15. (40 V. c. 12, s. 18 (1).)

In municipalities not divided into wards.

305. In the case of Municipalities which are not divided into Wards or polling sub-divisions, the Clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors or the Municipality similar to the list mentioned in the preceding section; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon

upon a Deputy Returning Officer in respect of a Ward or polling sub-division. R. S. O. c. 174, s. 297. (40 V. c. 12, s. 18 (2).)

The Poll.

Voting to be by ballot.

306. At the day and hour fixed as aforesaid, a poll shall be held and the votes shall be taken by ballot. R. S. O. c. 174, s. 298. (39 V. c. 35, s. 10.)

Proceedings to be as at municipal elections.

307. The proceedings at such poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 119 to 175 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at such poll, and to all matters incidental thereto. R. S. O. c. 174, s. 299. (39 V. c. 35, s. 11.)

Form of directions for guidance to voters.

308. The printed directions to be delivered to the Deputy Returning Officers shall be in the form of Schedule L to this Act. R. S. O. c. 174, s. 300. (39 V. c. 35, s. 12.)

Freeholders who may vote on by-laws.

309. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and, at the time of tender of the vote, of the full age of 21 years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is at the time of such tender a freeholder, either at Law or in Equity, in his own right or in right of his wife, of real property within such Municipality of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named in the voters' list of electors.

In case of new municipality where there has been no assessment roll.

(2) In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless he possesses the other qualifications above mentioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer; and the Deputy Returning Officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. R. S. O. c. 174, s. 301. (36 V. c. 48, s. 232; 39 V. c. 35, s. 26.)

Leaseholders who may vote on by-laws.

310. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and

and at the time of tender of the vote is of the full age of 21 years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the Municipality for which the vote is taken for one month next before the vote, and who is or whose wife is a leaseholder of real property within such Municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list. R. S. O. c. 174, s. 302 (1). (36 V. c. 48, s. 233, *part*; 39 V. c. 35, s. 26.)

Leaseholders who may vote on local improvement by-laws.

(2) The said provisions as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply to a by-law respecting local improvements, under section 620 of this Act. 45 V. c. 23, s. 6.

In case of new municipality where there has been no assessment roll.

(3) In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the Municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer; and the Deputy Returning Officer shall note such property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. R. S. O. c. 174, s. 302 (2). (36 V. c. 48, s. 233, *part;* 39 V. c. 35, s. 26.)

Unmarried women and widows may vote on by-laws.

311. Every unmarried woman and every widow who possesses the property qualification and other qualification which would, if she were a male ratepayer, entitle her to vote on by-laws requiring the assent of electors, shall have the same right of voting on such by-laws as male ratepayers, subject to the like conditions and restrictions as apply to male ratepayers, any law, statute or usage to the contrary notwithstanding. 45 V. c. 23, s. 15. *See* sec. 482 (10).

Oath of freeholder voting on by-law.

312. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the Deputy Returning Officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—

You

You swear that you are of the full age of 21 years, and a natural born (*or* naturalized) subject of Her Majesty;

That you are a freeholder in your own right (*or* in the right of your wife, *as the case may require*), within the Municipality for which this vote is taken;

That you have not voted before on the by-law in this Township (*or* Ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, or purporting to be named, in the voters' list of electors;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting;

(*In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote*);

And no enquiries shall be made of any voter except with respect to the facts specified in such oath or affirmation. R. S. O. c. 174, s. 303. (36 V. c. 48, s. 234; 40 V. c. 8, s. 50.)

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 620.

313. Any ratepayer offering to vote in respect of a leasehold on any such by-law, other than a by-law respecting local improvements, under section 620, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—

You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote;

That you are (*or* your wife is), a leaseholder within this Municipality and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (*or* the lessee in said lease has) covenanted in such lease to pay all municipal taxes;

That you have not before voted on the by-law in this Township (*or* Ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, or purporting to be named, in the voters' list;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting;

(*In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality*);

And

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. R. S. O. c. 174, s. 304. (36 V. c. 48, s. 235; 40 V. c. 8, s. 50.)

Oath of leaseholder voting on by-law respecting local improvements under section 620.

314. Any ratepayer offering to vote in respect of a leasehold on any such by-law respecting local improvements, under section 620, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—

You swear that you are of the full age of 21 years, and a natural born (*or* naturalized) subject of Her Majesty;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote;

That you are (*or* your wife is), a leaseholder within this Municipality, and that you have (*or* the lessee in said lease has) covenanted in such lease to pay all municipal taxes;

That you have not before voted on the by-law in this Township (*or* Ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, or purporting to be named, in the voters' list;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting;

(*In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality*);

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 45 V. c. 23, s. 6. *See* R. S. O. c. 174, s. 304.

Form of statement to be made by deputy returning officers of result of the polling.

315. The written statement to be made by each Deputy Returning Officer at the close of the polling shall be made under the following heads:—

(*a*) Name or number of Ward or polling subdivision, and of the Municipality, and the date of the polling;

(*b*) Number of votes for and against the by-law;

(*c*) Rejected ballot papers. R. S. O. c. 174, s. 305. (39 V. c. 35, s. 13.

Objections to ballot papers.

To be numbered.

316. The Deputy Returning Officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. R. S. O. c. 174, s. 306. (39 V. c. 35, s. 14.)

317.

Deputy returning officer's duties after votes are counted.

317. Every Deputy Returning Officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the Deputy Returning Officer, and of the Ward or polling subdivision and Municipality—

(*a*) The statement of votes given for and against the by-law and of the rejected ballot papers;

(*b*) The used ballot papers which have not been objected to and have been counted;

(*c*) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer;

(*d*) The rejected ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The unused ballot papers;

(*g*) The voters' list, with the oath in the form of Schedule G annexed thereto; a statement of the number of voters whose votes are marked by the Deputy Returning Officer, under the heads "Physical incapacity" and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box. R. S. O. c. 174, s. 307. (39 V. c. 35, s. 15.)

Certificate and declaration of deputy returning officer and return of voters' list and of ballot box.

318. Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid, make and subscribe before the Clerk of the Municipality, a Justice of the Peace or the Poll Clerk, his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list: he shall also forthwith return the ballot box to the Clerk of the Municipality. R. S. O. c. 174, s. 308. (39 V. c. 35, s. 16.)

Deputy returning officer to certify as to number of votes and rejected ballot papers.

319. Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. R. S. O. c. 174, s. 309. (39 V. c. 35, s. 17.)

320.

Clerk to cast up votes and declare result.

320. The Clerk, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the Council under his hand whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. R. S. O. c. 174, s. 310. (39 V. c. 35, s. 18.)

Clerk not to have casting vote as to certain by-laws.

321. Where the assent of the electors, or of the ratepayers, or any proportion of them, is necessary to the validity of a by-law, the Clerk or other officer shall not be entitled to give a casting vote. *New.*

Requisites to validity of certain bonus by-laws.

322. To render valid a by-law of any Municipality for granting a bonus in aid of a railway or for promoting any manufacture, or for taking stock in any railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by any such company, or for lending money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such Municipality, the assent shall be necessary of two-fifths of all ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

(2) In such case, in addition to the certificate required by section 320 of this Act, the Clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be two-fifths of all the voters who were entitled to vote on the by-law.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes. 45 V. c. 23, s. 17.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. 43 V. c. 27, s. 16 (2).

Secrecy of Proceedings.

Maintaining secrecy of proceedings at polling.

323. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Voter not to be interfered with.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the manner in which any voter at such polling place is about to vote or has voted. (3)

No information to be given as to how any one voted.

(3) No officer, clerk, or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any voter at such polling place is about to vote or has voted.

Secrecy to be maintained at counting.

(4) Every officer, clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any vote is given in any particular ballot paper.

Voters not to be induced to disclose votes.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote.

Penalty for contravening this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 174, s. 311. (39 V. c. 35, s. 19.)

Statutory declaration of secrecy to be made by officers, etc., before a poll.

324. The Clerk of the Municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace, and if he is any other officer, or a clerk, or an agent, in the presence of a Justice of the Peace or the Clerk of the Municipality or a Deputy Returning Officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. R. S. O. c. 174, s. 312. (39 V. c. 35, s. 20.)

Scrutiny.

Scrutiny may be had on application to County Judge.

325. If within two weeks after the Clerk of the Council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge, after giving such notice of the application and to such persons as the Judge directs, and shews by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers, and the petitioner enters into a recognizance before the Judge in the sum of $100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of $50 each conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place within the Municipality for entering into the scrutiny. R. S. O. c. 174, s. 313. (39 V. c. 35, s. 21.)

Notice of time of scrutiny.

326. At least one week's notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the

the Judge directs, and to the Clerk of the Municipality. R. S. O. c. 174, s. 314. (39 V. c. 35, s. 22.)

Proceedings.

327. At the day and hour appointed, the Clerk shall attend before the Judge with the ballot papers in his custody, and the Judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall in a summary manner determine whether the majority of the votes given is for or against the by-law, and shall forthwith certify the result to the Council. R. S. O. c. 174, s. 315. (39 V. c. 35, s. 23.)

Powers of Judge.

Costs.

328. The Judge shall on such scrutiny possess the like powers and authority as to all matters arising upon such scrutiny as are possessed by him upon a trial of the validity of the election of a member of a Municipal Council; and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. R. S. O. c. 174, s. 316. (39 V. c. 35, s. 25.)

Passing by-laws by Council.

By-law carried by voters to be passed by council.

329. Any by-law which is carried by a majority of the duly qualified electors voting thereon, shall within six weeks thereafter be passed by the Council which submitted the same. R. S. O. c. 174, s. 317. (36 V. c. 48, s. 236.) But see sec. 322 *ante*.

The passing of the by-law stayed on presenting of a petition.

330. In case of a petition being presented, the by-law shall not be passed by the Council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. R. S. O. c. 174, s. 318. (39 V. c. 35, s. 24.)

DIVISION IV.—CONFIRMATION OF BY-LAWS.

By publication. *Sec.* 331.
Notice. *Sec.* 332.
When not moved against. *Sec.* 333.

Promulgation of by-laws.

331. Every promulgation of a by-law shall consist in the publication through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper published either within the Municipality, or in the County Town, or in a public newspaper published in an adjoining local municipality, as the Council may designate by resolution, and the publication

tion shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks. 42 V. c. 31, s. 9.

Form of notice to be published with by-law.

332. The notice to be appended to every copy of the by-law for the purpose aforesaid shall be to the effect following:—

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the of on the day of A.D. 18 and approved by His Honour, the Lieutenant-Governor in Council, on the day of A.D. 18 (*where such approval is required to give effect to such by-law*): And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court of Justice, at Toronto, within three months next after the publication of this notice once a week for three successive weeks, in the newspaper called the or he will be too late to be heard in that behalf. 44 V. c. 24, s. 32.

If not moved against within the time limited, to be valid.

333. In case no application to quash any by-law is made within three months next after the third publication of such by-law and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. R. S. O. c. 174, s. 321; 44 V. c. 24, s. 33. (36 V. c. 48, s. 239.)

DIVISION V.—QUASHING BY-LAWS.

How to proceed. *Sec.* 334.
Time limited for applications. *Secs.* 335, 336.
Motion against for corrupt practices. *Secs.* 337, 338.
Staying proceedings upon the by-law. *Sec.* 339.
Liability of Municipality for acts under illegal by-law. *Sec.* 340.
Tender of amends. *Sec.* 341.

Quashing by-laws.

334. In case a resident of a Municipality, or any other person interested in a by-law, order or resolution of the Council thereof, applies to the High Court of Justice and produces to the Court a copy of the by-law, order, or resolution, certified under the hand of the Clerk and under the corporate seal, and shews by affidavit that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Court, after at least four days service on the Corporation of a rule

rule to shew cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the Corporation. R. S. O. c. 174, s. 322. (36 V. c. 48, s. 240.)

Time within which application must be made.

Exception.

335. No application to quash any such by-law, order or resolution in whole or in part, shall be entertained by any Court unless such application is made to such Court within one year from the passing of such by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of such electors or ratepayers, and in such case an application to quash such by-law may be made at any time. R. S. O. c. 174, s. 323. (36 V. c. 48, s. 241.)

Time after which by-law imposing a rate cannot be quashed, if promulgated.

336. In case a by-law by which a rate is imposed has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. R. S. O. c. 174, s. 324. (36 V. c. 48, s. 242.)

Quashing by-laws obtained by bribery, etc.

337. Any by-law the passage of which has been procured through or by means of any violation of the provisions of sections 207 and 208 of this Act shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained. R. S. O. c. 174, s. 325. (36 V. c. 48, s. 243.)

Procedure in such case.

Inquiry by County Judge.

338. Before determining any application for the quashing of a by-law upon the ground that any of the provisions of the said sections 207 and 208 of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the High Court of Justice that probable grounds exist for a motion to quash such by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct concerning the said grounds, before the Judge of the County Court of the County in which the Municipality which passed the by-law is situate, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said County Court Judge.

Return of evidence.

Judgment.

Costs.

(2) The said County Court Judge shall thereupon return the evidence so taken before him to one of the Registrars of the High Court at Toronto; and after the return of said evidence, and upon reading the same, any Judge of the said High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established, he may make an order for quashing said by-law, and he may order the costs attending said proceedings to be paid by the parties or any of them who have supported said by-law; and

if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law. R. S. O. c. 174, s. 326. (36 V. c. 48, s. 244.)

Stay of proceedings on the by-law.

339. After an order has been made by a Judge directing an inquiry, and after a copy of such order has been left with the Clerk of the Corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. R. S. O. c. 174, s. 327. (36 V. c. 48, s. 245.)

Municipality to be liable for acts done under illegal by-law.

Notice of action.

340. In case a by-law, order or resolution is illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Corporation, and every such action shall be brought against the Corporation alone, and not against any person acting under the by-law, order or resolution. R. S. O., c. 174, s. 328. (36 V. c, 48, s. 246.)

Tender of amends.

341. In case the corporation tenders amends to the plaintiff or his attorney, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. R. S. O. c. 174, s. 329. (36 V. c. 48, s. 247.) *See* sec. 431.

Division VI.—By-Laws Creating Debts.

Requisite formalities. *Secs.* 342-344.
Principal may be repayable by annual instalments. *Sec.* 344.
Special rates a charge on property. *Sec.* 345.
Assent of electors, when required. *Sec.* 346.
When special Council meeting requisite. *Sec.* 347.
When repealable and when not. *Secs.* 348, 349.
Illegal repeal to be ignored by Municipal Officers. *Sec.* 350.
Purchase of Public Works, etc., by Councils. *Sec.* 351.
Rates to be imposed therefor. *Sec.* 352.
Registration of By-laws. *Secs.* 353-357.

By-laws for contracting debts. Terms of.

342. Every Municipal Council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the Municipality, for any purpose

pose within the jurisdiction of the Council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next two sections of this Act:

When to take effect.

(1) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the by-law is to take effect;

When debt to be redeemed.

If for gas or water works, etc.

(2) If not contracted for gas or water-works, or for the purchase of public works, according to the statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall in like manner be paid in thirty years at furthest from the day on which the by-law takes effect; R. S. O. c. 174, s. 330, *part.* (36 V. c. 48, s. 248, *part.*)

Yearly rate.

(3) The-by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures; also, a certain specific sum to be raised annually for the payment of the debt; such sum to be such as will be sufficient with the estimated interest on the investments thereof, to discharge the debt when payable;

Interest on investments how estimated.

(4) In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly;

Property on which rate to be levied.

(5) The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the Municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage as the case may be. 42 V. c. 31, s. 10.

Recitals in;—

(6) The by-law, unless it is for a work payable by local assessment, shall recite:

Amount and object of debt;

(*a*) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually;

(*b*) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest;

The value of the ratable property;

(*c*) The amount of the whole ratable property of the Municipality according to the last revised, or revised and equalized assessment roll; R. S. O. c. 174, s. 330, *part.* (36 V. c. 48, s. 248, *part.*)

Amount of existing debt.

(*d*) The amount of the existing debenture debt of the Municipality, and how much (if any) of the principal or interest is in arrear. 42 V. c. 31, s. 11.

By-law for a work payable by local assessment must recite :—

343. If the by-law is for a work payable by local assessment, it shall recite :—

Amount and object of debt;

(*a*) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually;

(*b*) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law;

Value of real property ratable;

(*c*) The value of the whole real property ratable under the by-law, as ascertained and finally determined as aforesaid;

That debt created on security of special rate.

(*d*) That the debt is created on the security of the special rate settled by the by-law, and on that security only. R. S. O. c. 174, s. 331; 42 V. c. 31, s. 12. (36 V. c. 48, s. 249.)

Municipal council may make principal repayable by equal annual instalments.

344. In any case of passing a by-law for contracting a debt by borrowing money for any purpose, the Municipal Council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period (not exceeding 30 years, if the debt is for gas or water works, and not exceeding 20 years if the debt is for any other purpose) within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the Municipal Corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in such by-law. R. S. O. c. 174, s. 332, *part.* (36 V. c. 48, s. 250, *part.*)

What by-law shall set out.

(2) Such by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for a sinking fund. 42 V. c. 31, s. 13.

Special rates a charge on property.

345. Every special assessment made and every special rate imposed and levied under any of the provisions of this Act, and all sewer rents and charges for work or services done by the Corporation, on default of the owners of real estate, under the provisions of any valid by-law of the Council of the said Corporation, shall form a lien and charge upon the real estate upon, or in respect of which the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of the Assessment Act. 42 V. c. 31, s. 25.

346.

346. Every by-law (except for drainage, as provided for under section 570 of this Act, or for a work payable entirely by local assessment) for raising upon the credit of the Municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the Municipality in the manner provided for in section 294 and following sections of this Act; except that in Counties the County Council may raise by by-law or by-laws, without submitting the same for the assent of the electors of such County or Counties, for contracting debts or loans, any sum or sums not exceeding in any one year $20,000 over and above the sums required for its ordinary expenditure. R. S. O. c. 174, s. 333. (36 V. c. 48, s. 251.)

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors.

Exception as to by-laws for contracting extra debts not exceeding in any year $20,000.

(2) Provided always, that where a county and city are united for judicial purposes the Council of the County or City may, by by-law or by-laws passed at any meeting of such Council, without submitting the same for the assent of the electors of such County or City, as the case may be, for contracting such debt, raise such sums of money as may be required for erecting, building and furnishing a Court House and offices, to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such Court House and offices. 44 V. c. 24, s. 6.

Exception as to erecting court houses and offices.

347. No such by-law of a County Council for contracting any such debt or loan for an amount not exceeding in any one year $20,000 over and above the sums required for its ordinary expenditure, other than a by-law to raise money for erecting, building and furnishing a Court House and offices aforesaid, or for acquiring land as provided in the second subsection of the preceding section, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the County (as constituted for judicial purposes) or if there is no such public newspaper, then in a public newspaper published nearest to the County, which said notice may be to the effect following:—

Certain by-laws of county council not to be valid unless passed at meeting specially called and held three months after notice, etc.

Form of notice.

The above is a true copy of a proposed by-law to be taken into consideration by the Municipality of the County (*or* United Counties) of , at , in the said County (*or* United Counties), on the day of , 18 , at the hour of o'clock in the noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.
Clerk.

R. S. O. c. 174, s. 334; 44 V. c. 24, s. 7. (37 V. c. 16, s. 8. 40 V. c. 7 *Sched.* A (175).)

348.

When part only of money raised, by-law may be repealed as to residue.

348. Where part only of a sum of money provided for by a by-law has been raised, the Council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. R. S. O. c. 174, s. 335. (36 V. c. 48, s. 253.)

Proviso.

Until debt paid certain by-laws cannot be repealed,

349. After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the Council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the Corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. R. S. O. c. 174, s. 336. (36 V. c. 48, s. 254.)

Nor altered.

Exceptions.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

350. No officer of the Municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. R. S. O. c. 174, s. 337. (36 V. c. 48, s. 255.)

Municipal councils may purchase public works, etc., and contract debts to Crown,

351. Any Council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the Council may deem fit, for the payment of the price of any such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the Municipal Corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed to be levied in each year, as provided by sections 342 to 344 of this Act. R. S. O. c. 174, s. 338. (36 V. c. 48, s. 256.)

although no special or other annual rate settled.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

352. The Council may in any by-law to be passed for the creation of any such debt, or for the executing of any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the Council, settle and impose a special rate per annum, of such amount as the Council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the Municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any Council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. R. S. O. c. 174, s 339. (36 V. c. 48, s. 257.)

Registration of By-laws.

By-laws creating debts to be registered.

353. Every by-law passed by any Municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the ratable property of the Municipality, or any part thereof, shall be registered by the clerk of such Municipality, if a county, in the registry office for the county in which the county town is situate, or in case of local Municipalites in the registry office of the registration division in which the local Municipality is situate, within two weeks after the final passing thereof by such Municipality. 44 V. c. 24, s. 28 (*part*).

Applications to set aside registration.

354. Every such by-law so registered and the debentures issued thereunder, shall be absolutely valid and binding upon such Municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or suit to quash or set aside the same be made to some court of competent jurisdiction within three months from the registry thereof, and a certificate under the hand and seal of the clerk of the said court, stating that such suit or proceeding has been brought or application made shall have been registered in said registry office within such period of three months.

When by-law, or so much thereof as is not quashed to be valid.

(2) If such suit or proceeding be dismissed, in whole or in part, then the said by-law or so much thereof as is not the subject of said application, or not quashed upon such application, shall be absolutely valid and binding, according to the terms thereof, on the expiration of three months from the date of the registration of such by-law; upon the dismissal of any such suit or proceeding, a certificate to that effect may be registered in the said registry office.

Certificate of dismissal of suit.

(3)

Publication of notice.

(3) Notice of the passing of every by-law to which this and the preceding section refer, and which has not been submitted to the ratepayers, shall immediately after the registration of such by-law be published in some public newspaper, published either within the Municipality, or in the county town, or in a public newspaper in an adjoining local Municipality, as the Council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week, for three successive weeks. 44 V. c. 24, s. 28 (*part*). *See* sec. 409.

Exception as to local improvement by-laws.

355. Nothing in the two preceding sections contained shall make it obligatory upon any city, town, or incorporated village to register any by-laws providing for the issue of debentures passed under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the Municipality. 44 V. c. 24, s. 28 (*part*).

Form of notice.

356. The notice required to be published by section 354, shall be in the form following or to the like effect:

Notice is hereby given that a by-law was passed by the of of on the day of A.D., 18 , providing for the issue of debentures to the amount of $ for the purpose of and that such by-law was registered in the registry office of the county of on the day of A.D. 18

Any motion to quash or set aside the same or any part thereof must be made within three months from the date of registration and cannot be made thereafter.

Dated the day of 18

Clerk.

44 V. c. 24, s. 29.

Manner of registration.

357. Said by-laws shall be registered in the way and manner provided by the Revised Statutes of Ontario, chapter one hundred and seventy-six, and the Registrar shall be paid the sum of $2 for registration thereof. 44 V. c. 24, s. 30.

Form of certificate of pending suit.

358. The certificate first referred to in section 354, shall be in the form or to the effect following:—

In the (*name of court*)

This is to certify that in a certain suit or proceeding in this court, entitled the validity of by-law No. of the entitled a by-law has been called in question (*if a portion only of the by-law is called in question, state the fact*).

Dated,

(Signed), A. B.
Clerk of { Seal. }

(2) The certificate of dismissal of such suit or proceeding shall be in the form or to the effect following:— Form of certificate of dismissal of suit.

In the (*name of court*).

I hereby certify that the suit or proceeding in this court, entitled calling in question the validity of by-law No. of the has been dismissed (*or if dismissed in part and granted in part, set out the order made, verbatim*).

Dated,

(Signed,) A. B.
Clerk of { Seal. }

(3) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. 44 V. c. 24, s. 31. Fee for registration.

Division VII.—By-laws respecting Yearly Rates.

Amount and Limit of Rates. *Sec.* 359.
How estimated. *Sec.* 360.
Estimates and By-laws to be annual. *Secs.* 361, 362.
In case of deficiency. *Secs.* 363, 364.
In case of excess. *Sec.* 365.
Date from which Taxes imposed. *Sec.* 366.
Priority of Debentures. *Sec.* 367.
Power to Exempt from taxation. *Sec.* 368.
Reduction of Special Rate. *Sec.* 369.
Formalities in By-law therefor. *Sec.* 370.

359. The Council of every Municipal Corporation, and of every Provisional Corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficent sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year, but no such Council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates. Yearly rates to be levied, sufficient to pay all debts payable within the year. Aggregate rate limited to two cents in the dollar.

(2) If in any Municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the Municipality, and the interest and the principal of the debts contracted by such Municipality on the 29th day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the Council of such Municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within such Municipality are reduced within the aggregate Provision when such aggregate not sufficient to pay debts payable within the year.

Proviso.

aggregate rate aforesaid: but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. R. S. O. c. 174, s. 340. (36 V. c. 48, s. 258.)

How rates to be calculated.

360. In Counties and local Municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. R. S. O. c. 174, s. 341. (32 V. c. 36, s. 10.)

Estimates to be made annually.

361. The Council of every County or local Municipality shall every year make estimates of all sums which may be required for the lawful purposes of the County or local Municipality, for the year in which such sums are required to be levied, each Municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. R. S. O. c. 174, s. 342. (32 V. c. 36, s. 13.)

By-laws for raising money by rate.

362. The Council of every Municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the Council deems sufficient to raise the sums required on such estimates. R. S. O. c. 174, s. 343. (32 V. c. 36, s. 14.)

If the amount collected falls short.

363. If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any unappropriated fund belonging to the Municipality. R. S. O. c. 174, s. 344. (32 V. c. 36, s. 15.)

Estimates may be reduced.

364. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them. R. S. O. c. 174, s. 345. (32 V. c. 36, s. 16.)

When sums collected exceed estimate, appropriation of the balance.

365. If the sums collected exceed the estimates, the balance shall form part of the general fund of the Municipality, and be at the disposal of the Council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. R. S. O. c. 174, s. 346. (32 V. c. 36, s. 17.)

Yearly taxes to be computed from 1st January, unless otherwise ordered.

366. The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the first day of January of the then current year, and end with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. R. S. O. c. 174, s. 347. (32 V. c. 36, s. 18.)

367.

367. All debentures issued before the first day of January, in the year of our Lord 1867, by Municipal Corporations, under any by-law, and based upon the yearly value of ratable property at the time of passing such by-law, shall hold the order of priority which they occupied on the said first day of January, 1867; and each Municipal Corporation (having so issued debentures) shall levy a rate on the actual real value of the ratable property within the Municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

Priority of debentures.

How rates for paying them to be calculated.

To be applied solely to such purposes.

(2) In cases where a sinking fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. R. S. O. c. 174, s. 348. (32 V. c. 36, s. 11.)

Rate for sinking funds.

368. Every Municipal Council shall have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. R. S. O. c. 174, s. 349; 45 V. c. 23, s. 7 (1). (36 V. c. 48, s. 259.) And see *post* s. 482 (10).

Power to exempt factories, etc., from taxation.

369. In case in any year, on account of a sum being on hand from any previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to the assessment, it is found to be unnecessary to levy the full rate imposed by the by-law, in order to raise the instalment of the sinking fund and interest required to be raised for such year, the council may pass a by-law reducing the rate for that year, so that no more may be collected than the amount required.

When the rate imposed by a by-law may be reduced.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. *New.*

370. No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 291 of this Act. *New.*

By-law to be approved by Lieutenant-Governor.

DIVISION

DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

When and how made. *Secs.* 371, 372.
On Separation of Municipalities. *Sec.* 373.

Anticipatory appropriations may be made.

371. In case any Council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so, by by-law, in the manner and subject to the provisions and restrictions following:—

What funds may be so appropriated.

(1) The Council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(*a*) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(*b*) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(*c*) And of any money derived from any temporary investment of the sinking fund;

(*d*) And of any surplus money derived from any corporation work or any share or interest therein;

(*e*) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated.

The sources and application to be stated.

(2) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

(3) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may then pass a by-law directing that the original rate for such next ensuing year be not levied. R. S. O. c. 174, s. 352. (36 V. c. 48, s. 262.)

By-law must recite—

372. The by-law shall not be valid unless it recites—

The original debt and object.

(*a*) The original amount of the debt, and in brief and general terms, the object for which the debt was created;

The amount paid.

(*b*) The amount, if any, already paid of the debt;

The annual amount for sinking fund.

(*c*) The annual amount of the sinking fund appropriation required in respect of such debt;

The amount for sinking fund in hand.

(*d*) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested;

(*e*)

(*e*) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation; and

The amount required for interest.

(*f*) That the Council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it), and that the Council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

And that it is reserved, etc.

(2) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. R. S. O. c. 174, s. 353. (36 V. c. 48, s. 263.)

By-law to be approved by Lieut.-Governor.

373. After the dissolution of any Municipal Union, the Senior Municipality may make an anticipatory appropriation for the relief of the Junior Municipality, in respect of any debt secured by the by-law, in the same manner as the Senior Municipality might do on its own behalf. R. S. O. c. 174, s. 354. (36 V. c. 48, s. 264.)

Anticipatory appropriation on separation of municipalities.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.
DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

Accounts for Special Rate and Sinking Fund. *Sec.* 374.
Surplus on Special Rate, Application of. *Secs.* 375, 376.
Surplus on Special Rate, Investment of. *Sec.* 377.
General Surplus, Application of. *Secs.* 378–381.
Members of Corporations not to be parties to investments. —Liability for. *Sec.* 382.
Yearly Returns to Government. *Secs.* 383, 384.

374. The Council of every Municipal Corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. R. S. O. c. 174, s. 355. (36 V. c. 48, s. 265.)

Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund or instalments of principal.

375. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year,

When surplus may be applied to next year's interest, and

to sinking fund.

year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. R. S. O. c. 174, s. 356. (36 V. c. 48, s. 266.)

Application of moneys with consent of Lieut.-Governor in Council.

376. The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said Council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the Municipal Council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. R. S. O. c. 174, s. 357. (36 V. c. 48, s. 267.)

Investment of surplus on special rate.

377. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the Council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or otherwise as the Lieutenant-Governor in Council may by general or special order direct; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The Council of such Municipality may regulate by by-law the manner in which such investments shall be made. 44 V. c. 24 s. 8.

Investment of sinking fund.

378. Any Council may direct, by by-law, that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the council may invest such sinking fund account in any of the securities named in and according to the provisions of the preceding section. 45 V. c. 23, s. 16.

Council may apply other funds towards such debts.

379. Every such Council may appropriate to the payment of any debt the surplus income derived from any public or corporation

corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. R. S. O. c. 174, s. 359. (36 V. c. 48, s. 269.)

Certain moneys may be set apart for educational purposes.

Investment of same.

380. Any Municipal Corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law or by other by-laws passed for that purpose.

Proviso as to investment.

(2) No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. R. S. O. c. 174, s. 360. (36 V. c. 48, s. 270.) *See R. S. O.* c. 28, s. 7; *and* c. 204, s. 93.

Loans to school trustees.

Aid to poor school sections.

381. Any Municipal Corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any Board or Boards of School Trustees within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law; or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor School Sections within the Municipality. R. S. O. c. 174, s. 361. (36 V. c. 48, s. 271.) *See R. S. O.* c. 204, s. 94.

No members of corporation to be party to investment.

R. S. O. c. 28, s. 7.

Liability for loss.

382. No member of any Municipal Corporation shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by the seventh section of "*The Act respecting the Clergy Reserves*," or by any other law in that behalf made and provided, and any such person so doing shall be held personally liable for any loss sustained by such Corporation. R. S. O. c. 174, s. 362. (36 V. c. 48, s. 272.)

Municipalities indebted to Municipal Loan Fund to make annual returns to

383. The Treasurer of any Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality,

Provincial Treasurer.

ity, transmit to the Treasurer of Ontario, on or before the fifteenth day of January in every year, a return, certified on the oath of the Treasurer before some Justice of the Peace, containing the amount of taxable property in the Municipality according to the then last assessment roll or rolls; a true account of all the debts and liabilities of the Municipality, for every purpose, for the then last year; and such further information and particulars with regard to the liabilities and resources of the Municipality as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of $100, to be recovered with costs as a debt due to the Crown. R. S. O. c. 174, s. 363. (36 V. c. 48, s. 273.)

Penalty for default.

Every council to make a yearly report of the corporation debts to the Lieut.-Governor, etc.

384. Every Council shall, on or before the thirty-first day of January in each year, under a penalty of $20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Provincial Secretary, an account, in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day,

What such report must shew.

1. The original amount of the debt;

2. The date when it was contracted;

3. The days fixed for its payment;

4. The interest to be paid therefor;

5. The rate provided for the redemption of the debt and interest;

6. The proceeds of such rate for the year ending on such thirty-first day of December;

7. The portion (if any) of the debt redeemed or paid during such year;

8. The amount of interest (if any) unpaid on such last mentioned day; and

9. The balance still due of the principal of the debt. R. S. O. c. 174, s. 364. (36 V. c. 48, s. 274.)

Division II.—Commission of Inquiry into Finances.

When granted. *Sec.* 385.
Expenses of. *Sec.* 386.

When a commission of inquiry may issue.

385. In case one-third of the members of any Council, or thirty duly qualified electors of the Municipality, petition for a commission to issue under the Great Seal, to inquire into the financial

financial affairs of the Corporation and things connected therewith, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. R. S. O. c. 174, s. 365. (36 V. c. 48, s. 275.)

Expenses of such commissions.

386. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the Corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the Treasurer of the Corporation. R. S. O. c. 174, s. 366. (36 V. c. 48, s. 276.)

TITLE IV.—ARBITRATIONS.

DIVISION I.—APPOINTMENT OF ARBITRATORS.
DIVISION II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

How appointed. *Secs.* 387-391, 396.
Failure of parties to appoint. *Secs.* 391, 392,
Respecting real property taken by Corporations. *Secs.* 393, 394.
Several interests in the same property. *Secs.* 395, 396.
Award, when to be made. *Sec.* 397.
Persons disqualified from acting as Arbitrators. *Sec.* 398.

Appointments how made.

387. The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a Corporation, under the corporate seal, and authenticated in like manner as a by-law. R. S. O. c. 174, s. 367. (36 V. c. 48, s. 277.)

Council, or head thereof, may appoint for corporation.

388. The arbitrators on behalf of a Municipal Corporation shall be appointed by the Council thereof, or by the head thereof, if authorized by a by-law of the Council. R. S. O. c. 174, s. 368. (36 V. c. 48, s. 278.)

Either party may appoint an arbitrator and give notice to opposite party.

389. In cases where arbitration is directed by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given. A notice to a Corporation shall be given to the head of the Corporation. R. S. O. c. 174, s. 369. (36 V. c. 48, s. 279.)

Third arbitrator to be appointed.

390. The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly named of the two arbitrators appoint in writing a third arbitrator. R. S. O. c. 174, s. 370. (36 V. c. 48, s. 280.)

When more than two municipalities interested.

391. In cases where more than two Municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of 21 days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the Municipalities interested, appoint such arbitrator. R. S. O. c. 174, s. 371. (36 V. c. 48, s. 281.)

Provision in case of neglect to appoint.

392. In case of an arbitration between Municipal Corporations, if for 21 days, or in case the arbitration is respecting drainage works, then, if for 20 days after having received such notice, the party notified omits to appoint an arbitrator,; or if for 7 days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between Townships or between a Township and a Town or an incorporated Village, the Judge of the County Court of the County within which the Townships, Town or incorporated Village are or any of them is situate, or in case the arbitration is between other Municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. R. S. O. c. 174, s. 372. (36 V. c. 48, s. 282.)

Arbitration as to real property taken or injured by municipal corporations.

393. In case of an arbitration between a Municipal Corporation and the owners or occupiers of, or other persons interested in real property entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints and gives due notice to the head of the Council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of the Council shall, if authorized by by-law, within 7 days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intends to exercise with respect to the property, describing it. R. S. O. c. 174, s. 373. (36 V. c. 48, s. 283; 40 V. c. 7. *Sched* A, (176).)

Provision if owner of property fails to name arbitrator.

394. In any such last mentioned arbitration, if after service on the owner or occupier of, or person so interested in, the property of a copy of any by-law, certified to be a true copy under the hand of the Clerk of the Council, the owner or occupier or person so interested omits for 21 days to name an arbitrator, and give notice thereof, as aforesaid, the Council or the

the head, if authorized by by-law, may name an arbitrator on behalf of the Council, and give notice thereof to such owner, occupier or person so interested, and the latter shall, within 7 days thereafter, name an arbitrator on his behalf. R. S. O. c. 174, s. 374. (36 V. c. 48, s. 284; 40 V. c. 7, *Sched.* A, (177).)

Where several parties have distinct interests in the same property.

395. In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in section 393 under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the Council, be disposed of by one award, such persons shall have 21 (instead of 7) days to agree upon and give notice of an arbitrator jointly appointed in their behalf before the County Court Judge shall have power to name an arbitrator for them. R. S. O. c. 174, s. 375. (36 V. c. 48 s. 285.)

County Court judge to appoint arbitrator in certain cases.

396. If any such owner, occupier or person so interested, or the head of any such Council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within 7 days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within 21 days after receiving notice to do so, or if the two arbitrators do not within 7 days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of said arbitrators refuse or neglect to act, the Judge of the County Court of the County in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the Municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. R. S. O. c. 174, s. 376. (36 V. c. 48, s. 286; 40 V. c. 7, *Sched.* A, (178).)

Time for making award.

397. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. R. S. O. c. 174, s. 377. (36 V. c. 48, s. 287.)

Persons disqualified from acting as arbitrators.

398. No member, officer or person in the employment of any Corporation which is concerned or interested in any arbitration nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act. R. S. O. c. 174, s. 378. (36 V. c. 48, s. 288.)

DIVISION

DIVISION II.—PROCEDURE.

Oath of Arbitrator. *Sec.* 399.
Time of Meeting. *Sec.* 400.
Form of Award. *Secs.* 400, 405.
Registration of Award. *Sec.* 400.
Costs. *Sec.* 401.
Majority to decide. *Sec.* 402.
Evidence. *Sec.* 403.
Award, when adoption by By-law required. *Sec.* 404.
Award, how made, and jurisdiction of Courts. *Sec.* 405.

Arbitrators to be sworn.

399. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace:

Form of oath or affirmation.

"I (A. B.) do swear (*or* affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God."

R. S. O. c. 174, s. 379. (36 V. c. 48, s. 289.)

Time of meeting, etc.

400. The arbitrators shall, within 20 days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the Clerk of each of the Municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the Registrar of deeds for the County or other Registration Division in which the lands affected are situate. R. S. O. c. 174, s. 380. (36 V. c. 48, s. 290.)

Costs.

401. The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that such costs should be taxed on either the scale of the High Court of Justice, or of the County Courts, in which case such costs shall be taxed by the officer in the County of the proper Court, without any further order, and the amount shall be payable one week after such taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. R. S. O. c. 174, s. 381. (36 V. c. 48. s. 291.)

Majority to decide.

402. In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. R. S. O. c. 174, s. 382. (36 V. c. 48, s. 292.)

Notes of the evidence adduced to be taken and filed in certain cases.

403. In the case of any award under this Act, which does not require adoption by the Council, or in case of any award to which a Municipal Corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the Clerk of the Council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. R. S. O. c. 174, s. 383. (36 V. c. 48, s. 293.)

Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

404. In case the award relates to property to be entered upon, taken or used as mentioned in section 393, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the Corporation shall pay the costs of the arbitration. R. S. O. c. 174, s. 384. (36 V. c. 48, s. 294.)

Award to be made by at least two arbitrators, and subject to High Court.

Powers of the Courts in such matters.

405. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the High Court of Justice, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by section 403, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint, as prescribed in "*The Common Law Procedure Act*," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the Court to require. R. S. O. c. 174, s. 385. (36 V. c. 48, s. 295.)

R. S. O. c. 50.

TITLE

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

To be under seal and bear signature of head. *Sec.* 406.
Negotiating—Interest. 29-30 V. c. 51, s. 217.
Railway and Bonus Debentures. *Sec.* 407.
Defects in form. *Secs.* 407-409.
Local Improvement Debentures. *Sec.* 403.
Transfer of Registered Debentures. *Secs.* 411-413.
Councils borrowing for current Expenses. *Sec.* 414.
No issue under $100. *Sec.* 415.
Restrictions as to Banking. 29-30 V. c. 51, ss. 218, 219.

Debentures, bonds, etc., how to be executed.

406. All debentures and other instruments duly authorized to be executed on behalf of a Municipal Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the Treasurer of the Municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures. R. S. O. c. 174, s. 386. (36 V. c. 48, s. 296.)

[*Section* 217 *of* 29-30 V. c. 51, *is as follows:*—

Full amount recoverable, though negotiated at interest exceeding six per cent., or below par.

217. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon.]

In certain cases, debentures valid without corporate seal, etc.

407. Any debenture issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the Corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. R. S. O. c. 174, s. 387. (36 V. c. 48, s. 297.)

Debentures valid notwithstanding defect in form.

408. Any debentures issued under the authority of any by-law which has been promulgated under chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, or under chapter 174 of the Revised Statutes, or under this Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof: Provided that the said by-law has received the assent of the electors where necessary, and no successful application has been made to quash the same within the time limited in the notice of promulgation. R. S. O. c. 174, s. 388 *part;* 44 V. c. 24, s. 34. (36 V. c. 48, s. 298; 39 V. c. 7, s. 2 *(Sched).*)

Proviso.

409.

Debentures heretofore issued, on which payment has been made for two years, to be good and valid.

409. Where any debentures have heretofore been issued by any municipality under any by-law passed by such municipality, and the interest on such debentures and the principal of such thereof (if any) as shall heretofore have fallen due, has been heretofore paid for the period of two years or more, by the municipality, such by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding upon the corporation, and shall not be quashed or set aside on any ground whatever: Provided, that this section shall not affect any by-law, debenture, or debt which is the subject of any action or proceeding now pending and brought to quash or set aside such by-law or debenture, or any by-law or debenture, the validity of which is questioned in any suit or proceeding now pending, to which the corporation issuing the same is a party. 44 V. c. 24, s. 27. *See* sec. 354.

Proviso.

Form of local improvement debentures.

410. Every debenture issued under section 612 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued:

Consolidation.

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), councils may, from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, further pass a collective or cumulative by-law consolidating such several amounts, and issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance;

And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same, shall insert a clause in such individual by-laws, intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date; and provided further that no consolidated debentures shall be issued, covering any debentures which may have been issued or sold under any original by-law. 45 V. c. 23, s. 3.

Mode of transfer may be prescribed.

411. Any debentures to be issued by any Municipal Council may contain a provision in the following words:

"This

"This debenture, or any interest therein, shall not, *after* a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (*or* Village) of ," *or to the like effect.*

R. S. O. c. 174, s. 390. (36 V. c. 48, s. 300.)

Debenture registry book.

412. The Treasurer of every Municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of any such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the said Treasurer and duly filed. R. S. O. c. 174, s. 391. (36 V. c. 48, s. 301.)

Registered debentures transferred by entry, etc.

413. After such certificate of ownership has been endorsed as aforesaid, such debenture shall only be transferable by entry, by the Treasurer of the Municipality or his deputy, in such Debenture Registry Book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. R. S. O. c. 174, s. 392. (36 V. c. 48, s. 302.)

Council may authorize the borrowing of sums to pay current expenses.

414. The Council of every Municipality may authorize its head, with the Treasurer thereof, under the seal of the Corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the Corporation, until such time as the taxes levied therefor can be collected, and the Council shall by by-law regulate the amounts to be so borrowed, and the promissory note or notes, covenant, or agreement to be given in security therefor. R. S. O. c. 174, s. 393; 42 V. c. 31, s. 14. (36 V. c. 48, s. 303.)

Without special authority, no bond, etc., to be given for less than $100.

Proviso.

415. No Council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than $100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void: but nothing herein contained shall be construed to affect or repeal so much of the provisions of sections 218 and 219 of the Act of the Parliament of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, as is intended to prohibit Municipal Councils acting as bankers, or issuing notes to circulate as those of a bank. R. S. O. c. 174, s. 394. (36 V. c. 48, s. 304.)

[*Sections* 218 *and* 219 *of* 29-30, V. c. 51, *are as follows*:—

Restrictions upon councils as to banking, issuing bills, bonds, etc.

218. No Council shall act as bankers, or issue any bond, bill, note, debenture or other undertaking, of any kind or in any form, in the nature of a bank bill or note, or intended to form a circulating medium, or to supply

supply the place of specie, or to pass as money: nor, unless specially authorized so to do, shall any Council make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than $100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void.

To issue bank notes, etc., contrary to this Act, declared a misdemeanor.

219. In case any person issues or makes, or assists in issuing or making, or knowingly utters or tenders in payment or exchange, any bond, bill, note, debenture or undertaking, of any kind or in any form, in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor.]

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

DIV. I.—JUSTICES OF THE PEACE.
DIV. II.—PENALTIES.
DIV. III.—WITNESSES AND JURORS.
DIV. IV.—CONVICTIONS UNDER BY-LAWS.
DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.
DIV. VI.—TENDER OF AMENDS.
DIV. VII.—CONTRACTS VOID IN EQUITY.
DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.
DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.
DIV. X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.
DIV. XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.
DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

DIVISION I.—JUSTICES OF THE PEACE.

Justices of the Peace, Who are ex officio. *Sec.* 416.
Jurisdiction of Mayors of Cities and Towns. Sec. 417.
Qualification and Oath of ex officio *Justices. Sec.* 418.
Jurisdiction of Justices in cases under By-laws. Secs. 419, 420.

Certain persons to be *ex officio* justices of the peace.

416. The head of every Council, and the Reeve of every Town, Township, and incorporated Village, shall, *ex officio*, be Justices of the Peace for the whole County, or Union of Counties, in which their respective Municipalities lie, and Aldermen in Cities shall be Justices of the Peace for such Cities. R. S. O. c. 174, s. 395. (36 V. c. 48. s. 306.)

Jurisdiction of mayors over certain offences.

417. The Mayor of a Town or City where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the

the by-laws of the Town or City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office. R. S. O. c. 174, s. 396. (36 V. c. 48, s. 309.)

Qualification of certain officials.

418. No Warden, Mayor, Reeve, or Alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. R. S. O. c. 174, s. 397. (36 V. c. 48, s. 314.)

Jurisdiction of justices under by-laws.

419. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any by-law of any Municipality in such County, where there is no Police Magistrate. R. S. O. c. 174, s. 398. (36 V. c. 48, s. 310.)

Jurisdiction in cases not specially provided for.

420. In case any offence is committed against a by-law of a Council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the Council or not, may try and determine any prosecution for the offence. R. S. O. c. 174, s. 399. (36 V. c. 48, s. 311.)

DIVISION II.—PENALTIES.

Recovery and enforcement thereof. Secs. 421-423.
On offences against By-Laws. Sec. 422.
Application of penalties. Sec. 424.

Recovery and enforcement of penalties.

421. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the County, or of the Municipality in which the offence was committed ;

Imprisonment in default of payment.

and in default of payment the offender may be committed to the Common Gaol, House of Correction, or Lock-up House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) 30 days and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. R. S. O. c. 174, s. 400 ; 42 V. c. 31, s. 15. (36 V. c. 48, s. 315.)

Penalties imposed by by-laws.

422. The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty

Award of penalty and costs.

or punishment imposed by the by-law as he thinks fit, with the

the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. R. S. O. c. 174, s. 401. (36 V. c. 48, s. 317.) How levied.

423. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the Common Gaol, House of Correction, or nearest Lock-up House, for the term, or some part thereof, specified in the by-law. R. S. O. c. 174, s. 402. (36 V. c. 48, s. 318.) Commitment in default of distress.

424. Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Municipal Corporation, unless the prosecution is brought in the name of the Corporation, in which case the whole of the pecuniary penalty shall be paid to the Corporation. R. S. O. c. 174, s. 403. (36 V. c. 48, s. 319.) Fines, how applied.

[*See as to summary method of enforcing by-laws, Sec.* 485.]

Division III.—Witnesses and Jurors.

Who may be witnesses. Secs. 425, 426.
Ratepayers, members, officers, etc., of Corporations liable to challenge as jurors. Sec. 426.
Compelling attendance of witnesses. Sec. 427.

425. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on such hearing. R. S. O. c. 174, s. 404. (36 V. c. 10, s. 4; 36 V. c. 48. s. 320.) Who may be witnesses.

426. In any prosecution, suit, action or proceeding in any civil matter to which a Municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the Corporation, the party to such prosecution, suit, action or proceeding, is a County. R. S. O. c. 174, s. 405. (36 V. c. 48, s. 321.) Ratepayers, members, officers, etc., of corporation competent witnesses—may be challenged as jurors.

427.

Compelling witnesses to attend, etc.

427. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. R. S. O. c. 174, s. 406. (36 V. c. 48, s. 322.)

DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

Form of Conviction. Sec. 428.

Form of conviction under by-laws.

428. It shall not be necessary in any conviction made under any by-law of any Municipal Corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following:

PROVINCE OF ONTARIO, County of , To WIT. } BE IT REMEMBERED that on the day of A.D. , at , in the County of , *A. B.* is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said *A. B.* (*stating the offence, and time and place, and when and where committed*), contrary to a certain by-law of the Municipality of the of , in the said County of , passed on the day of A,D. , and intituled (*reciting the title of by-law*); and I adjudge the said *A. B.*, for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to *C. D.*, the complainant, the sum of for his costs in this behalf. And if the said several sums are not paid forthwith (*or* on or before the day of *as the case may be*), I order that the same be levied by distress and sale of the goods and chattels of the said *A. B.*; and in default of sufficient distress, I adjudge the said *A. B.* to be imprisoned in the Common Gaol of the said County of (*or*, in the public Lock-up at) for the space of days, unless the said several sums; and all costs and charges of conveying the said *A. B.* to such Gaol (*or* Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at , in the said County.

(L. S) *J. M.*, *J. P.*

R. S. O. c. 174, s. 407. (36 V. c. 48, s. 323.)

DIVISION V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

Proceedings thereon. Sec. 429.
Municipal Officers, also Officers of Court. Sec. 430.

Proceedings on writs of execution against municipalities.

429. Any writ of execution against a Municipal Corporation may be endorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following: (1)

(1) The Sheriff shall deliver a copy of the writ and endorsement to the Treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service; Sheriff to deliver copy of writ and statement of claim to treasurer.

(2) In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the Sheriff within one month after the service, the Sheriff shall examine the assessment rolls of the Corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees, and the Collector's percentage, up to the time when such rate will probably be available; If claim not paid, rate to be struck by Sheriff.

(3) The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept, after reciting the writ, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector or Collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates; Sheriff's precept to collector, etc., to levy rate.

(4) In case at the time for levying the annual rates next after the receipt of such precept, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their percentage; Rate rolls.

(5) The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within 10 days after receiving the same, to the Treasurer, for the general purposes of the Corporation. R. S. O. c. 174, s. 408. (36 V. c. 48, s. 324.) Surplus.

430. The Clerk, Assessors and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. R. S. O. c. 174, s. 409. (36 V. c. 48, s. 325.) Clerk, assessors and collectors to be officers of the court from which writ issues.

DIVISION

DIVISION VI.—TENDER OF AMENDS.

Tender and payment into Court in actions for negligence. Sec. 431.

Tender of compensation in actions for negligence.

431. The Council of any Municipality, upon any claim being made or action brought against any such Municipality for damages for alleged negligence on the part of such Municipality, may tender, or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender or the amount paid into court, and the action being proceeded with, and a verdict being obtained for a less amount than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall have been obtained against them. 44 V. c. 24, s. 25. (*See sec.* 341.)

DIVISION VII.—CONTRACTS VOID IN EQUITY.

Contracts with Members of Council. Sec. 432.

Contracts by members with the corporation to be held void in any action.

432 In case a member of the Council of any Municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the Corporation is a party interested, and which is on that account void or voidable in Equity, the same contract, purchase or sale shall be held void in any action thereon against the Corporation. R. S. O. c. 174, s. 410. (36 V. c. 48, s. 327.)

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

(*See also R S. O.* c. 72; 41 V. c. 4.)

In Cities and Towns. Sec. 433.
Clerk of. Sec. 434.

Police offices in cities and towns.

433. The Council of every Town and City shall establish therein a Police Office; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the Mayor of the Town or City shall attend at such Police Office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a Town or City may, at the request of the Mayor thereof, act in his stead at the Police Office.

(2) Except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day or Good Friday, or any day appointed by proclamation for a Public Fast, Thanksgiving, or Holiday, or on any day set apart by the Council as a Civic Holiday. R. S. O. c. 174, s. 411. (36 V. c. 48, s. 328.) Days on which attendance not required.

(3) Every Police Magistrate shall be entitled to receive the same fees and emoluments as are paid to justices of the peace; and in case a Police Magistrate is paid by a fixed salary, the said fees and emoluments, whether received by him as Police Magistrate or as a Justice of the Peace, shall be paid to the municipality and form part of its funds; but this section shall not authorize the imposition of such fees by a Police Magistrate, who is paid by fixed salary, upon any Inspector of Licenses or upon any Provincial officer appointed under the Liquor License Act in or in respectof any case or complaint prosecuted by him or them under the said License Act or under the Canada Temperance Act of 1878, or upon any person or persons who, by the written authority of the Attorney-General of this Province, prosecutes any complaint under either of the said Acts. Fees of police magistrate.

(4) No Municipal Council shall have power to reduce the salary of any police magistrate without the sanction of the Lieutenant-Governor in Council. Reduction of salary of police magistrate.

(5) No Police Magistrate need act in any case arising outside of the limits of the city, town or place for which he is Police Magistrate, unless he sees fit so to do. 43 V. c. 24, s. 9. When police magistrate need not act.

434. The Clerk of the Council of every City or Town, or such other person as the Council of the City or Town appoints for that purpose, shall be the Clerk of the Police Office thereof, and perform the same duties and receive the same emoluments as Clerks of Justices of the Peace; and in case the said Clerk is paid by a fixed salary, the said emoluments shall be paid by him to the Municipality, and form part of its funds, and such clerk shall be the officer of and under the Police Magistrate. R. S. O. c. 174, s. 412. (36 V. c. 48, s. 329.) Clerk of police office, and his duties. If paid by salary, fees to be paid over to municipality.

Division IX.—Board of Commissioners of Police and Police Force in Cities and Towns.

Board, members of. *Sec.* 435.
Powers of Commissioners as to witnesses. *Sec.* 436.
Quorum. *Sec.* 436.
Meetings of Board in cities to be public. *Sec.* 436.
Licensing, etc., livery stables, cabs, etc. *Sec.* 437.
By-laws of, how authenticated and proved. *Sec.* 438.
Penalties, how recoverable. *Sec.* 439.
High Bailiffs. *Sec.* 440.
Police Force, appointment of. *Secs.* 441, 442.
Police Regulations. *Sec.* 443.

Duties

Duties of Constables. Sec. 444.
Remuneration and Expenses of Police Force. Sec. 445.
Constables in Towns where no Police Commissioners. Sec. 446.
Constables in Incorporated Villages. Sec. 446.
Dissolution of certain Boards in Towns. Sec. 447.
Arrests without warrant. Sec. 448.
Suspension from office. Secs. 449, 450.

Board of commissioners of police in cities and towns, of whom composed.

435. In every City there is hereby constituted a Board of Commissioners of Police, and in every Town having a Police Magistrate the Council may constitute a like Board, and such Board shall consist of the Mayor, the Judge of the County Court of the County in which the City or Town is situate, and the Police Magistrate; and in case the office of County Judge or that of Police Magistrate is vacant, the Council of the City shall and the Council of the Town may appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the Council of any such Town may at any time, by by-law, dissolve and put an end to the Board, and thereafter the Council shall have and exercise all powers and duties previously had or exercised by the Board. R. S. O. c. 174, s. 413. (37 V. c. 16, s. 10.)

Powers as to witnesses.

Majority to constitute a quorum.

436. Such Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties; and a majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board. R. S. O. c. 174, s. 414. (36 V. c. 48, s. 334; 37 V. c. 16, s. 10.)

Meetings in cities to be open to public.

(2) All meetings of the Board of Police Commissioners in Cities shall be open to the press and the public, unless otherwise decided by the Board. 45 V. c. 23, s. 8.

Licensing, etc. livery stables, cabs, etc., in cities.

437. The Board of Commissioners of Police shall in Cities regulate and license the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers, and may provide for enforcing payment of such rates,

Shall make by-laws.

and for such purposes shall pass by-laws and enforce the same in the manner and to the extent in which any by-law to be passed under the authority of this Act may be enforced. R. S. O. c. 174, s. 415. (36 V. c. 48, s. 335.)

Where no board, council may exercise powers under this section.

(2) The Council of any City in which there is no Board of Commissioners of Police shall have and may exercise by by-law, all the powers conferred upon the Board of Commissioners by this section. 45 V. c. 23, s. 9.

How by-laws of board authenticated and proved.

438. All by-laws of such Board of Commissioners of Police shall be sufficiently authenticated by being signed by the Chairman

Chairman of the Board, which passes the same; and a copy of any such by-law written or printed and certified to be a true copy by any member of such Board, shall be deemed authentic and be received in evidence in any Court of Justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged. R. S. O. c. 174, s. 416. (36 V. c. 48, s. 336.)

May be enforced by penalties, etc.

How recovered.

439. In all cases where the Board of Commissioners of Police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the City for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of City Councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinbefore set forth. R. S. O. c. 174, s. 417. (36 V. c. 48, s. 337.)

High bailiffs.

440. The Council of every City shall appoint a High Bailiff but may provide by by-law that the offices of High Bailiff and Chief Constable shall be held by the same person. R. S. O. c. 174, s. 418. (36 V. c. 48, s. 338.)

Police force in cities and towns.

441. The Police Force in Cities and Towns having a Board of Commissioners of Police, shall consist of a Chief Constable and as many Constables and other officers and assistants as the Council from time to time deem necessary, but in Cities, not less in number than the Board reports to be absolutely required; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. R. S. O. c. 174, s. 419; 44 V. c. 24, s. 23. (37 V. c. 16, s. 11.)

Appointment of members thereof.

442. The members of such Police Force shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe to the following oath:—

Oath of office.

I, *A. B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the of without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

R. S. O. c. 174, s. 420. (36 V. c. 48, s. 340.)

Board to make police regulations.

443. The Board shall, from time to time, make such regulations as they may deem expedient for the government of the force,

force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. R. S. O. c. 174, s. 421. (36 V. c. 48, s. 341.)

Constables to be subject to the Board.
Duties of constables.

444. The Constables shall obey all lawful directions, and be subject to the government of the Board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to Constables duly appointed. R. S. O. c. 174, s. 422. (36 V. c. 48, s. 342.)

Remuneration and contingent expenses.

445. The Council shall appropriate and pay such remuneration for and to the respective members of the force as may be required by the Board of Commissioners of Police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the Board may from time to time deem requisite and require for the payment, accommodation and use of the force; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof provision is made for the appointment, control and management of the Police by the Council. R. S. O. c. 174, s. 423; 44 V. c. 24, s. 23. (36 V. c. 48, s. 343.)

Constables in towns and villages.

446. The Council of every Town not having a Board of Commissioners of Police shall, and the Council of every incorporated Village may, appoint one Chief Constable, and one or more Constables for the Municipality; and the persons so appointed shall hold office during the pleasure of the Council. R. S. O. c. 174, s. 424. (37 V. c. 16, s. 12.)

Dissolution of boards of police commissioners in towns.

447. Wherever in any Town there was on the twenty-fourth day of March, 1874, a Board of Commissioners of Police constituted under the Acts then in force respecting Municipal Institutions in this Province, the Council of said Town may by by-law dissolve and put an end to said Board, and thereafter the Council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by said Board; and unless and until so dissolved and put an end to, the said Board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by said Board. R. S. O. c. 174, s. 425. (37 V. c. 16, s. 13.)

Arrests by constables for alleged breaches of the peace not committed in their presence.

448. In case any person complains to a Chief of Police, or to a Constable in a Town or City, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach

breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or sitting Justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to law. R. S. O. c. 174, s. 426. (36 V. c. 48, s. 345.)

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

449. Until the organization of a Board of Police, every Mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the Chief Constable, or any Constable of the Town or City, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the Council, and the Council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the City Council shall have the like powers as to the High Bailiff of the City. R. S. O. c. 174, s. 427. (36 V. c. 48, s. 346.)

Incapacity of such officer to act. Salary to cease.

450. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. R. S. O. c. 174, s. 428. (36 V. c. 48, s. 347.)

Division X.—Court-Houses, Gaols and Places of Imprisonment.

Erection and care of. *Secs.* 451–469, 472–475.
Use of by Maritime Court. *Sec.* 466.
Insurable interest of Corporations. *Sec.* 470.
Furniture. *Sec.* 471.
Who to be confined in. *Secs.* 459, 461, 462, 476, 479; 29–30 V. c. 51, ss. 409, 414 and 415.
Expense of prisoners. *Secs.* 477, 478.

County council may pass by-laws as to county buildings;

451. Every County Council may pass by-laws for erecting, improving and repairing a Court-House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. R. S. O. c. 174, s. 429. (36 V. c. 48, s. 348.)

And for acquiring land for court-houses in cities.

452. Every County Council may, when a Court House is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such court house. 43 V. c. 24, s. 20.

453.

Gaols and court-houses in counties and cities, etc., not separated.

453. The Gaol, Court-House and House of Correction of the County in which a Town or City, not separated for all purposes from a County, is situate, shall also be the Gaol, Court-House, and House of Correction of the Town or City, and shall in the case of such City, continue to be so until the Council of the City otherwise directs; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the Town or City. R. S. O. c. 174, s. 430. (36 V. c. 48, s. 349.)

City councils may erect, etc., certain public buildings.

454. The Council of any City may erect, preserve, improve, and provide for the proper keeping of a Court-House, Gaol, House of Correction and House of Industry upon lands being the property of the Municipality, and may pass by-laws for all or any of such purposes. R. S. O. c. 174, s. 431. (36 V. c. 48, s. 350.)

Lock-up houses may be established by county councils.

455. The Council of every County may establish and maintain a Lock-up House or Lock-up Houses within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up House, and may direct the payment of the salary out of the funds of the County. R. S. O. c. 174, s. 432. (36 V. c. 48, s. 351.)

A constable to be placed in charge.

456. Every Lock-up House shall be placed in the charge of a Constable specially appointed for that purpose by the Magistrates of the County at a General Sessions of the Peace therefor. R. S. O. c. 174, s. 433. (36 V. c. 48, s. 352.)

Lock-up houses.

457. The Council of every City, Township, Town, and incorporated Village may, by by-law, establish, maintain and regulate Lock-up Houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the Council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any Common Gaol or House of Correction, either for trial or in the execution of any sentence; and such Councils shall have all the powers and authorities conferred on County Councils in relation to Lock-up Houses. R. S. O. c. 174, s. 434. (36 V. c. 48, s. 353.)

Joint lock-up houses.

458. Two or more Municipalities may unite to establish and maintain a Lock-up House. R. S. O. c. 174, s. 435. (36 V. c. 48, s. 354.)

Land may be acquired for industrial farms, house of industry, refuge, etc.

459. The Council of every County, City or Town separated from a County may acquire an estate in landed property for an Industrial Farm, and may establish a House of Industry and a House of Refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of Inspectors, Keepers, Matrons and other servants for the

the superintendence, care and management of such Houses of Industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

(2) Any two or more United Counties, or any two or more contiguous Counties, or any City and one or more Counties, or any Town or one or more Counties, may agree to have only one House of Industry or Refuge for such united or contiguous Counties, or City and Counties, or Town and Counties, and maintain and keep up the same in the manner herein provided. R. S. O. c. 174, s. 436. (36 V. c. 48, s. 355.) Proviso as to united or contiguous counties.

(3) The Council may provide, by by-law, for requiring such persons as may be sent to such Industrial Farm or other place to work on the said Farm, or at any work or service for the said Municipality at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife and child or wife or children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. 44 V. c. 24, s. 9. Power to compel persons sent to industrial farms, etc., to work thereon.

460. The Inspector of a House of Industry or Refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the County Council every year, or oftener when required by a by-law of the Council; and a copy thereof shall be presented to the Legislature. R. S. O. c, 174, s. 437. (36 V. c. 48, s. 356.) Inspectors to keep and render accounts of expenses, etc.

461. The Council of every City and Town may respectively pass by-laws: By-laws may be passed establishing workhouses and houses of correction.

(1) For erecting and establishing within the City or Town, or on such Industrial Farm, or on any ground held by the Corporation for public exhibitions, a Workhouse or House of Correction, and for regulating the government thereof. R. S. O. c. 174, s. 438 (1);

(2) For committing and sending, with or without hard labour, to the Workhouse, or House of Correction, or to the Industrial Farm, House of Industry, House of Refuge, or House for the Poor, Aged, and Infirm, or Lock-up, or to any work or service for the said Municipality as aforesaid, by the Mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction Who liable to be committed thereto.

jurisdiction in the Municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 369 of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered 48, and as may by the Council be deemed, and by by-law be declared, expedient; and such Farm, House of Correction, House of Industry, House of Refuge, or House for the Poor, Aged, or Infirm, Lock-up house, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the Municipality and the jurisdiction thereof. 44 V. c. 24, s. 10. *See post,* sec. 479.

Until houses of correction erected, the common gaols are constituted houses of correction.

462. Until separate Houses of Correction are erected in the several Counties in Ontario, the Common Gaol in each County respectively shall be a House of Correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a House of Correction, shall, unless otherwise provided by law, be committed to the said Common Gaols respectively. R. S. O. c. 174, s. 439. (C. S. U. C. c. 127, s. 11.)

Custody of gaols.

Keepers.

463. The Sheriff shall have the care of the County Gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the County Council, subject to the revision or requirement of the Inspector of Prisons and Public Charities. R. S. O. c. 174, s. 440. (36 V. c. 48, s. 358.)

Appointment and dismissal of gaolers.

(2) Every appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor. 43 V. c. 24, s. 27.

Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

464. The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the Gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the Gaol or prison. R. S. O. c. 174, s. 441. (C. S. U. C. c. 127, s. 5.)

County council to have care of court-house, etc.

465. The County Council shall have the care of the Court House and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice other than the Division Courts, and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such Courts other than official assignees. R. S. O. c. 174, s. 442; 42 V. c. 31, s. 16. (36 V. c. 48, s. 359.) *As to inspection, construction and repairing of Court Houses, see* 44 V. c. 5, s. 89.

466.

Use of court-house by Maritime Court.

466. In case sittings of the Maritime Court of Ontario or of any Judge thereof are appointed to be held in any City, Town, or place in which a Court-House is situated, the Court or Judge shall, for all purposes connected with the said Maritime Court and its process, have the same authority as the County Court or a Judge thereof, in regard to the use of the Court-House, Gaol and other buildings or apartments set apart in the County for the administration of justice, 41 V. c. 3, s. 1.

City gaols to be regulated by by-laws of city council.

467. In any City not being a separate County for all purposes, but having a Gaol or Court-House separate from the County Gaol or Court-House, the care of such City Gaol or Court-House shall be regulated by the by-laws of the City Council. R. S. O. c. 174, s. 443. (36 V. c. 48, s. 360.)

Upon separation of union of counties, gaol and court-house regulations to continue.

468. In case of a separation of a Union of Counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to Court-Houses or Gaols in force at the time of the separation, shall extend to the Court-House and Gaol of the Junior County. R. S. O. c. 174, s. 444. (36 V. c. 48, s. 361.)

Liability of cities and towns separated from counties for erection and maintenance of court-house.

469. Cities and Towns separated from Counties shall, as parts of their respective Counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred of erecting, building and repairing and maintaining the Court-House and Gaol of their respective Counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the Gaol and Courts of Justice, other than the Division Courts, and shall provide proper offices, together with fuel, light, and furniture for all officers connected with such Courts, other than official assignees; and all other charges relating to Criminal Justice, payable by the County in the first instance, except Constables' fees and disbursements, and charges connected with Coroners' inquests, and such other charges as the Counties are entitled to be repaid by the Province; and in case the Council of the City or Town separate as aforesaid, and the Council of the County in which such City or Town is situate for judicial purposes cannot by agreement from time to time settle and determine the amount to be so payable by such City or Town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. R. S. O. c. 174, s. 445; 42 V. c. 31, s. 17 (1); 43 V. c. 24, s. 10. (39 V. c. 34, s. 1.)

Reference to arbitration in case of disagreement.

Liability for furniture for use of county officials.

470. The Council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 465 and 469 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. 43 V. c. 24, s. 12.

471.

Insurable interests of corporations in certain cases.

471. The Corporation of any county and city or town separated from the County, are hereby declared to have respectively insurable interests in the Court House and Gaol of the county and the furniture thereof in the proportions in which they shall for the time being be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said Gaol and Courts of Justice, and for the officers connected with such courts and any such Corporation may insure its said interest accordingly. 42 V. c. 31, s. 17 (2).

Liability of city to contribute to cost of erecting court-houses and gaols.

472. In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the fifth day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the council of such city, or in case of dispute has been determined by arbitration, according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. 43 V. c. 24, s. 19.

Compensation by city or town for use of court-house, etc.

473. While a City or Town uses the Court House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act. R. S. O. c. 174, s. 446. (36 V. c. 48, s. 364.)

When the amount of compensation may be reconsidered.

474. In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the Councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. R. S. O. c. 174, s. 447. (36 V. c. 48, s. 365.)

Existing lock-up houses to continue.

475. Nothing herein contained shall affect any Lock-up House heretofore lawfully established, but the same shall continue to be a Lock-up House as if established under this Act. R. S. O. c. 174, s. 448. (36 V. c. 48, s. 366.)

This Act not to affect 29-30 V. c. 51, s. 409.

476. Nothing herein contained shall be taken or construed to affect or repeal section 409 of the Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth

twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty one. R. S. O. c. 174, s. 449. (36 V. c. 48, s. 367.)

[*Section* 409 *of* 29-30 V. c. 51, *is as follows:*—

409. Any Justice of the Peace of the County may direct by warrant in writing under his hand and seal, the confinement in a Lock-up House within his County, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the Common Gaol, and until such person can be conveyed to such Gaol; also the confinement in such Lock-up House, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a Lock-up House, instead of the Common Gaol or other House of Correction, any person convicted on view of the Justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law.] Justice may direct imprisonment in certain cases.

477. The expense of conveying any prisoner to, and of keeping him in a Lock-up House, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the Common Gaol of the County. R. S. O. c. 174, s. 450. (36 V. c. 48, s. 368.) Expense of conveying and maintaining prisoners.

478. The County or other Municipality in which a gaol or other place of custody is located, and from which any person is removed by a provincial bailiff, under the provisions of "*The Act respecting the removal of persons from County Gaols to Provincial Institutions*," shall be liable to pay to the Treasurer of the Province, on demand, the expenses incurred in the removal and conveyance of each such person, together with sixty per centum added thereto towards the salary or other remuneration of such bailiff: Provided always that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and such cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon the same shall be determined by arbitration as provided in this Act. See 43 V. c. 35, s. 5. Payment by municipalities for conveyance of prisoners. Proviso.

479. Nothing herein contained shall be taken or construed to affect or repeal sections 414 and 415 of the Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one. R. S. O. c. 174, s. 451. (36 V. c. 48, s. 369.) This Act not to affect 29-30 V. c. 51, ss. 414, 415, which enact that

[*Sections* 414 *and* 415 *of* 29-30 V. c. 51, *are as follows:*—

414. Any two of Her Majesty's Justices of the Peace or of the Inspectors appointed as aforesaid may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations, and orders of the House— Justices, etc., may commit persons who are

Indigent, (1) All poor and indigent persons who are incapable of supporting themselves;

Idle, (2) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do;

Lewd, (3) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living;

Frequenters of public-houses, (4) And all such as spend their time and property in public-houses, to the neglect of any lawful calling;

Idiots. (5) And idiots.

Punishment of refractory inmates. 415. Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.]

DIVISION XI.—INVESTIGATIONS AS TO MUNICIPAL OFFICERS AND GOVERNMENT.

Investigation by county judge of charges of malfeasance by municipal officers.

480. In case the Council of any Municipality at any time passes a resolution requesting the Judge of the County Court of the County in which the Municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the Municipality, or in case the Council of any Municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the Municipality, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon Commissioners under "*The Act respecting Inquiries concerning Public Matters*," and the Judge shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon. R. S. O. c. 174, s. 452. (36 V. c. 48, s. 370.)

Judge to have powers mentioned in R. S. O. c. 17.

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayor may call out *posse comitatus*.

481. The Mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the Sheriff of a County may now by law do so. R. S. O. c. 174, s. 453. (36 V. c. 48, s. 371.)

PART

PART VII.

POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.
TITLE II.—AS TO HIGHWAYS AND BRIDGES.
TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.
TITLE IV.—AS TO RAILWAYS.

TITLE I.—POWERS IN GENERAL.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.
DIV. II.—OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.
DIV. III.—POWERS OF COUNCILS OF COUNTIES AND CITIES.
DIV. IV.—OF COUNTIES, CITIES, AND SEPARATED TOWNS.
DIV. V.—OF CITIES, TOWNS, AND INCORPORATED VILLAGES.
DIV. VI.—OF CITIES AND TOWNS.
DIV. VII.—OF TOWNS AND INCORPORATED VILLAGES.
DIV. VIII.—OF COUNTIES ONLY.
DIV. IX.—OF TOWNSHIPS ONLY.

DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

Respecting the obtaining of property. *Sec.* 482 (1).
" *Appointment of certain officers.* *Sec.* 482 (2, 3).
" *Harbours, Docks, etc.* *Sec.* 482 (4, 8).
" *Aid to Agricultural, etc., Societies.* *Sec.* 482 (9).
" " *Manufacturing Establishments.* *Sec.* 482 (10).
" " *Road Companies, etc.* *Sec.* 482 (11).
" " *Indigent persons and charities.* *Sec.* 482 (12).
" *Census.* *Sec.* 482 (13).
" *Driving and Riding.* *Sec.* 482 (14).
" *Drainage.* *Sec.* 482 (15, 16).
" *Mode of Egress from Buildings.* *Sec.* 482 (17).
" *Fines and Penalties.* *Sec.* 482 (18-20).
" *Purchase of Wet Lands.* *Sec.* 482 (21).
" *Ornamental Trees.* *Sec.* 482 (22).
" *Temperance Laws.* *Sec.* 482 (23.)
" *Seizure of Bread of short weight.* *Sec.* 482 (24).
" *Contracts for Supply of Water.* *Sec.* 483.
" *Discovery of Crimes.* *Sec.* 484.
Summary Remedy if By-laws not obeyed. *Sec.* 485.
Compensation for lands taken. *Secs.* 486-489.
Powers in relation to Roads and Bridges. *See sec. 550 et seq.*

Councils may make by-laws.

482. The Council of every County, Township, City, Town, and incorporated Village may pass by-laws:—.

Obtaining Property.

For obtaining property, real and personal, etc.

(1) For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required; R. S. O. c. 174, s. 454, (1). (36 V. c. 48, s. 372 (1).)

Appointing certain Officers.

(2) For appointing such—

Pound-keepers, Road Surveyors,
Fence-viewers, Road Commissioners,
Overseers of Highways, Valuators,
Game Inspectors,

May appoint certain officers.

and other officers as are necessary in the affairs of the Corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a Corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the Municipality; and it shall be lawful for said Municipality to pay any such member of the Corporation acting as such commissioner, superintendent or overseer; R. S. O. c. 174, s. 454 (2). (36 V. c. 48, s. 372 (2).) *See* R. S. O. c. 188, s. 2; *Ib.* c. 192, s. 5; 43 V. c. 31, s. 15.

May fix fees and securities.

(3) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; R. S. O. c. 174, s. 454 (3). (36 V. c. 48, s. 372 (3).) *See sec.* 280 *ante.*

Harbours, Docks, etc.

Cleanliness of wharves, docks, etc.

(4) For regulating or preventing the encumbering, injuring, or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; R. S. O. c. 174, s. 460 (1); 42 V. c. 31, s. 19; (36 V. c. 48, s. 378 (1).)

Removal of door steps, etc., obstructing wharves, etc.

(5) For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; R. S. O. c. 174, s. 460 (2). (36 V. c. 48, s. 378 (2).)

(6)

(6) For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; R. S. O. c. 174, s. 460 (3). (36 V. c. 48, s. 378 (3).) Making, etc., of wharves, docks, etc.

(7) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; R. S. O. c. 174, s. 460 (4). (36 V. c. 48 s. 378 (4).) Regulating harbours, beacons, wharves, elevators, etc. Vessels, etc. Harbour dues.

(8) For granting aid by way of bonus, for or towards the construction of harbours, wharves, docks, slips, and necessary beacons on any river, lake, or navigable water passing in through or forming any part of the boundary of a County whether such bonus be given by such County or by a City, Town, Township, or incorporated Village situate therein, and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said Municipality may deem expedient; Granting aid by way of bonus to harbours, etc.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts; Assent of electors necessary.

(b) Any Municipality granting such aid may take and receive of and from such person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given. 42 V. c. 31, s. 19 (2). Security may be taken.

Aiding Agricultural and other Societies.

9. For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute within the Municipality, or within any adjoining Municipality; R. S. O. c. 174, s. 454 (4). (36 V. c. 48, s. 372 (4); 40 V. c. 17, s. 113.) *See also* R. S. O. c. 35, s. 113. Granting aid to agricultural societies.

Aiding Manufacturing Establishments.

10. For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said Municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and Granting aid by way of bonus to manufactures.

and subject to such terms, conditions and restrictions as the said Municipality may deem expedient.

Assent of electors necessary.

(a) No such by law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts. R. S. O. c. 174, s. 454 (5), *part.* (36 V. c. 48, s, 372 (5), *part.*) *See sec.* 322.

Persons interested in company not to vote on by-law aiding same.

(b) No property owner or lessee interested in, or holding shares or stock in, any Company shall be qualified to vote on a by-law for the purpose of granting a bonus to the Company in which he is so interested as aforesaid. 42 V. c. 31, s. 34.

Security may be taken.

(c) Any Municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. R. S. O. c. 174, s. 454 (5 *b*). (36 V. c. 48, s. 372 (5) *part.*) *And see section* 368 *as to exempting manufacturing establishments from taxation.*

Aiding Road Companies, Etc.

Aid for roads, bridges and harbours.

(11) For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the Municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

Assent of electors necessary

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts. R. S. O. c. 174, s. 454 (6.) (37 V. c. 16, s. 14; 39 V. c. 34, s. 9).

Aiding Indigent Persons and Charities.

Aiding indigent persons and charities.

(12) For aiding in maintaining any indigent person belonging to or found in the Municipality at any Work-House, Hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or for granting aid to any charitable institution or out-of-door relief to the resident poor; R. S. O. c. 174, s. 454 (7). (36 V. c. 48, s. 372 (7).) *See post,* sec. 504 (12).

Census.

Local census.

(13) For taking a census of the inhabitants, or of the resident male freeholders and householders in the Municipality; R. S. O. c. 174, s. 454 (8). (36 V. c. 48, s. 372 (8).)

Driving or Riding on Roads and Bridges.

To regulate driving on roads and bridges.

(14) For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon; R. S. O. c. 174, s. 454 (9). (36 V. c. 48, s. 372 (9).)

Drainage.

Drainage.

(15) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; R. S. O. c. 174, s. 454 (10). (36 V. c. 48, s. 372 (10).) Opening or stopping up drains and water-courses, etc.

Highways and Drains Across Railway Lands.

(16) For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting, or stopping up within the limits of the Municipality any highway or public drain through, over, across, under, along or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purposes, but subject to the terms and restrictions contained in "*The Railway Streets and Drains Act, 1882*," and provided that such highway or drain is under the provisions of this Act, within the jurisdiction of the Council. 45 V. c. 21, s. 4. Highways and drains across railway lands.

Egress from Buildings.

(17) For regulating the size and number of doors in churches, theatres and halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair railing in all such buildings, and the strength of beams and joists, and their supports; R. S. O. c. 174, s. 454 (11). (29-30 V. c. 22, s. 4.) Doors, etc., of public buildings.

Fines and Penalties.

(*See also secs.* 421-424.)

(18) For inflicting reasonable fines and penalties not exceeding $50 exclusive of costs,— Fines and penalties

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the Corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and For neglect of duty, or refusal to accept office.

(b) For breach of any of the by-laws of the Corporation. R. S. O. c. 174, s. 454 (12). (36 V. c. 48, s. 372 (11).) Or breach of by-laws.

(19) For collecting such penalties and costs by distress and sale of the goods and chattels of the offender; R. S. O. c. 174, s. 454 (13). (36 V. c. 48, s. 372 (12).) Collecting penalties and costs.

(20)

Imprisonment when allowed, and time of.

(20) For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a Lock-up House in some Town or Village in the Township, or in the County Gaol or House of Correction, for any period not exceeding 21 days for breach of any of the by-laws of the Council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied: except for breach of any by-law or by-laws in Cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, with or without hard labour in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid. R. S. O. c. 174, s. 454 (14); 42 V. c. 31, s. 18. (36 V. c. 48, s. 372 (13).)

Purchasing Wet Lands.

Purchase of wet lands from Government.

(21) For purchasing from the Government or any Corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such Corporation or person in any such Township; and such lands may be sold accordingly to the Corporation of any such Township; R. S. O. c. 174, s. 454 (15). (36 V. c. 48, s. 372 (15).)

Raising money for purchasing and draining same.

(a) The purchase and draining of such lands shall be one of the purposes for which any such Corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated. R. S. O. c. 174, s. 454 (15 *a*). (36 V. c. 48, s. 372 (16).).

May hold or dispose of such land.

(b) The Corporation of any Township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous. (R. S. O. c. 174, s. 454 (15 *b*). (36 V. c. 48, s. 372 (17).)

Proceeds of sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the Municipality. R. S. O. c. 174, s. 454 (15 *c*). (35 V. c. 48, s. 372 (18).)

Ornamental Trees.

Regulations as to trees, shrubs, etc., in public places.

(22) For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but no such tree, shrub or sapling shall be

be so removed until after one month's notice thereof is given to the owner of the adjoining property, and he is recompensed for his trouble in planting and protecting the same: nor shall such owner, or any pathmaster or other public officer, or any other person, remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the Municipal Council having the control of the public place, square, highway, street, road, lane, alley or other communication; and any Council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the Municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes; R. S. O. c. 174, s. 454 (16). (34 V. c. 31, ss. 3 and 5; 36 V. c. 48, s. 372 (19).) *See* 46 V. c. 26.

Temperance Laws.

(23) For prohibiting the sale of intoxicating liquors and the issue of licenses therefor, according to the provisions and limitations contained in "*The Temperance Act of* 1864," "*The Canada Temperance Act,* 1878," and "*The Temperance Act of Ontario;*" R. S. O. c. 174, s. 454 (17). (36 V. c. 48, s. 372 (14).) Enforcing Temperance Acts. 27-28 V. c. 18. R. S. O. c. 182.

Seizing Bread, etc.

(24) For seizing and forfeiting bread or other articles when of light weight or short measurement. R. S. O. c. 174, s. 454 (18). (37 V. c. 16, s. 16.) *See also post* 503 (10). Light weight and short measure.

CONTRACTS FOR SUPPLY OF WATER.

483. Every Municipal Council shall have power to contract with any water-works or water company for a supply of water within the Municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable, and for the renting of any such hydrants for any number of years not, in the first instance, exceeding 10, and for renewing any such contract from time to time for such period, not exceeding 10 years, as said Council may desire, and every such Council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. 45 V. c. 18, s. 13; c. 23, s. 7 (2). Council may contract with company for supply of water.

DISCOVERY OF CRIMES.

484. The Council of any Municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward Rewards for apprehension of criminals.

reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. 42 V. c. 31, s. 31.

SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

Mode of compelling performance of matters directed to be done by council, etc.

485. Whenever any Municipal Council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or Corporation, such Council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. R. S. O. c. 174, s. 455. (36 V, c. 48, s. 377.)

COMPENSATION FOR LANDS TAKEN.

Owners of lands taken by corporation, etc., to be compensated.

486. Every Council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. R. S. O. c. 174, s. 456. (36 V. c. 48, s. 373.)

Differences to be determined by arbitration.

How title acquired to lands when owned by corporations, tenants in tail, vested in trustees, etc.

487. In the case of real property which a Council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof.

If there be no party who can convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the County in which such property is situate may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes. R. S. O. c. 174, s. 457. (36 V. c. 48, s. 374.)

488.

Application, etc., of purchase money where party has not an absolute estate in the property.

488. In case any person acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the High Court of Justice, or other Court having jurisdiction in such cases, in the meantime directs the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. R. S. O. c. 174, s. 458. (36 V. c. 48, s. 375.)

Purchase money subject to charges on property.

489. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. R. S. O. c. 174, s. 459. (36 V. c. 48, s. 376.)

DIVISION II.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

Respecting Polling Subdivisions. *Sec.* 490 (1).
" *Disqualification of Electors for non-payment of Taxes.* *Sec.* 490 (2).
" *Billiard or Bagatelle Tables.* *Sec.* 490 (3).
" *Victualling Houses, etc.* *Sec.* 490 (4, 5).
" *Licensing Transient Traders.* *Sec.* 490 (6).
" *Schools.* *Sec.* 490 (7).
" *Cemeteries.* *Sec.* 490 (8, 9).
" *Graves.* *Sec.* 490 (10).
" *Cruelty to Animals.* *Sec.* 490 (11).
" *Dogs.* *Sec.* 490 (12, 13).
" *Fences.* *Sec.* 490 (14).
" *Division Fences.* *Sec.* 490 (15, 16).
" *Snow Fences.* *Sec.* 490 (17).
" *Water-courses.* *Sec.* 490 (18).
" *Weeds.* *Sec.* 490 (19).
" *Filth in Streets.* *Sec.* 490 (20).
" *Burning Stumps, Brush, etc.* *Sec.* 490 (21).
" *Exhibitions, Shows, etc.* *Sec.* 490 (22).
" *Trees.* *Sec.* 490 (23, 24).
" *Injury to property and notices.* *Sec.* 490 (24, 25).
" *Gas and Water Companies.* *Sec.* 490 (26, 27).
" *Public Morals.* *Sec.* 490 (28-37).
" *The Establishment of Boundaries.* *Secs.* 490 (38),
" *Pounds.* *Sec.* 492. [491.
" *Public Health.* *Sec.* 493.
" *Lock-up Houses.* *Sec.* 457, 458.
" *Tavern and Shop Licenses.* *R. S. O.* c. 181.
" *Roads and Bridges.* *See sec.* 555 *et seq.*
" *Drainage.* *See sec.* 570 *et seq.*

By-laws may be made for—

490. The Council of every Township, City, Town or incorporated Village may pass by-laws—

Polling Subdivisions.

Dividing city or town into wards, etc.

(1) For dividing the Wards of such City or Town, or for dividing such Township or Village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any Ward, Township, Village or polling subdivision exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200. R. S. O. c. 174, s. 461 (1.) (36 V. c. 48, s. 379 (1).)

And townships and villages into polling subdivisions, etc.

Polling subdivisions to be the same for elections to Legislative Assembly and municipal elections.

(*a*) Where a Municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for Municipal elections; and the polling subdivisions for elections to the Legislative Assembly and Municipal elections shall hereafter be made the same in all cases, except that the Municipal Council of every City, Town or incorporated Village, may by by-law unite, for the purposes of Municipal elections, any two adjoining polling subdivisions. R. S. O. c. 174, s. 461 (1*a*.) (40 V. c. 12, ss. 2 & 3.

Adjoining subdivisions may be united for Municipal elections.

Disqualification of Electors not paying Taxes.

Disqualifying electors in arrear for taxes.

(2) For disqualifying any elector from voting at Municipal elections who has not paid all Municipal taxes due by him on or before the fourteenth day of December next preceding the election. R. S. O. c. 174, s. 461 (2). (36 V. c. 48, s. 379 (2).) *See also sec.* 254.

Billiard or Bagatelle Tables.

Licensing and regulating the use of billiard and bagatelle tables.

(3) For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises, any billiard or bagatelle table or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force. R. S. O. c. 174, s. 461 (3). (36 V. c. 48, s. 379 (3).)

Victualling Houses, etc.

Victualling houses, etc., number and regulation of.

(4) For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public. R. S. O. c. 174, s. 461 (4). (36 V. c. 48, s. 379 (4).)

(5)

(5) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding $20. R. S. O. c. 174, s. 461 (5). (36 V. c. 48, s. 379 (5).) License and fees for same.

Licensing Transient Traders

(6) For licensing, regulating and governing transient traders, and other persons who occupy premises in the City or Town, incorporated Village, or Township, for temporary periods, and whose names have not been duly entered on the Assessment Roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer or otherwise; but no such by-law shall affect, apply to, or restrict the sale of the stock of an Insolvent Estate which is being sold or disposed of within the County in which the Insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment. 42 V. c. 31, s. 22; 43 V. c. 24, s. 24. Regulating transient traders.

Schools.

(7) For obtaining such real property as may be required for the erection of Public School Houses thereon, and for other Public School purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of Public Schools according to law. R. S. O. c. 174, s. 461 (6). (36 V. c. 48, s. 379 (6).) Acquiring land for public schools, etc.

Cemeteries.

(8) For accepting or purchasing land for public cemeteries as well within as without the Municipality, but not within any City, Town or incorporated Village, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose; and thereupon such land, although without the Municipality, shall become part thereof, and shall cease to be a part of the Municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying ground may agree for the sale or transfer thereof to the Municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the Municipality may dispose thereof, and acquire other ground instead thereof; R. S. O. c. 174, s. 461 (7). (36 V. c. 48, s. 379, (7).) *See also R. S. O.* c. 170. Acquiring land for cemeteries, etc. Proviso.

(9) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; R. S. O. c. 174, s. 461 (8). (36 V. c. 48 s. 379 (8).) Selling portion of such land for certain purposes.

Graves.

Graves.

Protecting graves.

(10) For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred; R. S. O. c. 174, s. 461 (19). (36 V. c. 48, s. 379 (19).)

Cruelty to Animals.

Preventing cruelty to animals, and destruction of birds.

(11) For preventing cruelty to animals; and for preventing the destruction of birds; the by-laws for these purposes not being inconsistent with any statute in that behalf; R. S. O. c. 174. s. 461 (9). (36 V. c. 48 s. 379 (9).)

Dogs.

Regulations as to dogs.

(12) For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs; R. S. O. c. 174, s. 461 (10). (36 V. c. 48, s. 379 (10).)

Killing dogs.

(13) For killing dogs running at large contrary to the by-laws; R. S. O. c. 174, s. 461 (11). (36 V. c. 48, s. 379 (11).)

Fences.

Fences.

(14) For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof; R. S. O. c. 174, s. 461 (12). (36 V. c. 48, s. 379 (12); 39 V. c. 34, s. 2.)

Division Fences.

Division fences, and cost thereof.

(15) For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water-courses shall continue applicable to the Municipality; R. S. O. c. 174, s. 461 (13). (36 V. c. 48, s. 379 (13).)

Provision until by-laws made. R. S. O. cc. 198, 199.

Barbed-wire fences.

(16) For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; (45 V. c. 23, s. 10.)

Snow Fences.

Snow fences.

(17) For requiring owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence

fence or fences, subject to the provisions of "*The Act respecting Snow Fences.*" *See* 44 V. c. 26.

Water-courses.

Water-courses.

(18) For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course; R. S. O. c. 174, s. 461 (14). (36 V. c. 48, s. 379 (14).)

Weeds.

Prevention of growth of thistles and weeds.

(19) For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties; R. S. O. c. 174, s. 461 (15). (37 V. c. 16, s. 15.) *See also R. S. O.* c. 188, *and* 43 V. c. 29.

Filth in Streets.

Preventing throwing of dirt, etc., in streets, etc.

(20) For preventing persons from throwing any dirt, filth, carcases of animals, or rubbish, on any street, road, lane, or highway; R. S. O. c. 174, s. 461 (16). (36 V. c. 48, s. 379 (16).)

Burning Stumps, Brush, etc.

Regulating the burning of stumps, trees, brush, etc.

(21) For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times; R. S. O. c. 174, s. 461 (17). (36 V. c. 48, s. 379 (17).) *See* 41 V. c. 23.

Exhibitions, Shows, etc.

Regulating public shows, and licensing same.

(22) For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen; and for requiring the payment of license fees for authorizing the same, not exceeding $100 for every such license; and for imposing fines on such persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman, or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month;

Fines for infraction.

Licenses not to be granted for certain times and places.

(*a*) It shall not be lawful for the Council of any Municipal Corporation, or the Commissioners of Police in any City, to grant licenses or license certificates to persons having exhibitions

tions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares, or merchandise of whatever description, for gain, on the days of the Exhibition of the Agricultural Association of Ontario, or of any Electoral District or Township Agricultural Society, either on the grounds of such Society, or within the distance of 300 yards from such grounds; R. S. O. c. 174, s. 461 (18). (36 V. c. 48, s. 379 (18).)

Trees.

Encouraging planting of certain trees, etc.

(23) For allowing to any person who plants any fruit trees, or any trees, shrubs or saplings, suitable for affording shade on any highway within the Municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted; R. S. O. c. 174, s. 461 (20). (36 V. c. 48, s. 379 (20).) *See* 46 V. c. 26.

Injuries to Property and Notices.

Ornamental trees.

(24) For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament; and the defacing of private or other property by printed or other notices; R. S. O. c. 174, s. 461 (21). (36 V. c. 48, s. 379 (21).)

Signs.

(25) For preventing the pulling down or defacing of sign-boards, and of printed or written notices lawfully affixed; R. S. O. c. 174, s. 461 (22). (36 V. c. 48, s. 379 (22).)

Gas and Water Companies.

Authorizing gas and water companies to lay down pipes, etc.

(26) For authorizing any corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit; R. S. O. c. 174, s. 461 (23). 36 V. c. 48, s. 379 (23).)

Taking stock in gas and water companies.

Proviso.

Head of corporation to be a director in certain cases.

(27) For acquiring stock in, or lending money to, any such Company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the Company: provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any Corporation holding stock in any such Company to the amount of $10,000 shall be *ex officio* a Director of the Company in addition to the other Directors thereof, and shall also be entitled to vote on such stock at any election of Directors. R. S. O. c. 174, s. 461 (24). (36 V. c. 48, s. 379 (24).)

Public Morals.

Sale of intoxicating drink to children, etc.

(28) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector; R. S. O. c. 174, s. 461 (25). (36 V. c. 48, s. 379 (31).)

(29)

(29) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; R. S. O. c. 174, s. 461 (26). (36 V. c. 48, s. 379 (32).) Indecent placards, etc.

(30) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; R. S. O. c. 174, s. 461 (27). (36 V. c. 48, s. 379 (33).) Vice, drunkenness, etc.

(31) For suppressing disorderly houses and houses of ill-fame; R. S. O. c. 174, s. 461 (28). (36 V. c. 48, s. 379 (34).) Lewdness.

(32) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement; R. S. O. c. 174, s. 461 (29). (36 V. c. 48, s. 379 (35).) Exhibitions, etc.

(33) For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein; R. S. O. c. 174, s. 461 (30). (36 V. c. 48, s. 379 (36).) Gaming.

(34) For preventing horse racing; R. S. O. c. 174, s. 461 (31). (36 V. c. 48, s. 379 (37).) Racing.

(35) For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place; R. S. O. c. 174, s. 461 (32). (36 V. c. 48, s. 379 (38).) Vagrants.

(36) For preventing indecent public exposure of the person and other indecent exhibitions; R. S. O. c. 174, s. 461 (33). (36 V. c. 48, s. 379 (39).) Indecent exposure.

(37) For preventing or regulating the bathing or washing the person in any public water in or near the Municipality; R. S. O. c. 174, s. 461 (34). (36 V. c. 48, s. 379 (40).) Bathing.

Establishing Boundaries.

(38) For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the Municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. R. S. O. c. 174, s. 461 (35). (36 V. c. 48, s. 379 (25).) Regulating boundaries of municipalities.

491. In case the Council of any Township, City, Town or incorporated Village adopts a resolution on the application of one half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any Concession or range or part thereof in the Municipality, or at the front or rear angles of Placing landmarks and monuments or marking boundaries of concessions, lots, etc.

of the lots therein, the Council may apply to the Lieutenant-Governor, in the manner provided for in the thirty-eighth to the forty-fifth sections of "*The Act respecting Land Surveyors and the Survey of Lands*," praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands.

R. S. O. c. 146, ss. 38-45.

Cost of survey.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. R. S. O. c. 174, s. 462. (36 V. c. 48, s. 380.)

Pounds, etc.

By-laws may be made for—

492. The Council of every Township, City, Town and incorporated Village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)—

Providing pounds.

(1) For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound;

Animals running at large.

(2) For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising the damages.

(3) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the Municipality;

Compensation with respect to impounding animals.

(4) For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. R. S. O. c. 174, s. 463. (36 V. c. 48, s. 381.) *See also R. S. O.* c. 195.

Public Health.

Members of council to be health officers. R. S. O. c. 190.

493. The members of every Township, City, Town and incorporated Village Council shall be Health Officers within their respective Municipalities, under *The Act respecting the Public Health*, and under any Act passed after this Act takes effect for the like purpose; but any such Council may, by by-law, delegate the powers of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the Council thinks best. R. S. O. c. 174, s. 464. (36 V. c. 48, s. 382.) *See* 45 V. c. 29.

May delegate powers.

For

For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see secs. 457, 458; *and as to Tavern and Shop Licences, see R. S. O.* c. 181, ss. 17, 21, 24 and 32.

DIVISION III.—POWERS OF COUNCILS OF COUNTIES AND CITIES.

Horse Thieves.

494. The Council of every County or City shall provide by by-law, that a sum not less than $20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said County or City, and such reward shall be paid out of the funds of the Corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. R. S. O. c. 174, s. 477; 43 V. c. 24, s. 17. (36 V. c. 48, s. 396.) *See* 29-30 V. c. 51, s. 355 (26). Reward for apprehension of persons guilty of horse stealing.

Subsection 27 *of Section* 355 *of* 29–30 *V. c.* 51, *enacts as follows:*

(27) The said reward shall not disqualify the person claiming the same or entitled thereto, from being a witness. Reward not to disqualify witness.

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

Respecting Engineers, Inspectors, Gaol Surgeons, etc. Sec. 495 (1).
" *Auctioneers. Sec.* 495 (2).
" *Hawkers and Pedlars. Sec.* 495 (3).
" *Ferries. Sec.* 495 (4).
" *High Schools. Sec.* 495 (5, 6).
" *Support of pupils at High Schools, Toronto University and U. C. College. Sec.* 495 (7, 8).
" *Endowment of Fellowships Sec.* 495 (9).
" *Public Fairs. Sec.* 495 (10).
" *Junk Stores Sec.* 495 (11).

495. The Council of any County, City and Town separated from the County for Municipal purposes, may pass by-laws for the following purposes:— By-laws may be made for—

Engineers—Inspectors—Gaol Surgeons, etc.

(1) For appointing, in addition to other officers, one or more Engineers, and also one or more Inspectors of the House of Industry; also one or more Surgeons of the Gaol and other institutions under the charge of the Municipality; and for the removal of such officers. R. S. O. c. 174, s. 465 (1). (36 V. c. 48, s. 383 (1).) Appointing engineers, inspectors, gaol surgeons, etc.

Auctioneers.

Auctioneers.

Licensing, etc., auctioneers.

(2) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force; R. S. O. c. 174, s. 465 (2). (36 V. c. 48, s. 383 (2).)

Hawkers and Pedlars.

Hawkers, petty chapmen, etc.

(3) For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force:

In case of Counties for providing the Clerk of each Municipality within the County with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws:

Proviso.

Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and any such servant or employee shall produce and exhibit his written authority when required so to do by any Municipal or Peace Officer:

Proviso.

And provided also that nothing herein contained shall affect the powers of any Council to pass by-laws, under the provisions of section 496 of this Act or amendments thereto hereafter made. 43 V. c. 24, s, 13.

Ferries.

Licensing, etc. ferries, etc. R. S. O c. 112, s. 13.

(4) For licensing and regulating ferries between any two places within the Municipality, under the provisions of "*The Act respecting Ferries*," and establishing the rates of ferriage to be taken thereon; but no such law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council;

Until by-law passed, Lieut.-Governor to regulate.

(*a*) Until the Council passes a by-law regulating such ferries, and in the cases of ferries not between two places in the same Municipality, the Lieutenant-Governor by Order in Council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the statutes in force relating to ferries; R.S.O. c. 174, s. 465 (4). (36 V. c. 48, s. 383 (4).)

Lands

Lands for High Schools.

(5) For obtaining in such part of the County, or of any City or Town separated within the County, as the wants of the people may most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required. R. S. O. c. 174, s. 465 (5). (36 V. c. 48, s. 383 (5).) Acquiring lands for High Schools, etc.

Aiding High Schools.

(6) For making provisions in aid of such High Schools as may be deemed expedient. R. S. O. c. 174, s. 465 (6). (36 V. c. 48, s. 383 (6).) Aiding High Schools.

Supporting Pupils at High Schools, Toronto University, and Upper Canada College.

(7) For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School in Toronto, of such of the pupils of the Public High Schools of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College. R. S. O. c. 174, s. 465 (7). (36 V. c. 48, s. 383 (7).) *See also R. S. O.* c. 205, s. 32 (4). Supporting certain High School pupils at University of Toronto and U. C. College, etc.

(8) For making similar provision for the attendance at any High School, for like purposes, of pupils of Public Schools of the Municipality. R. S. O. c. 174, s. 465 (8). (36 V. c. 48, s. 383 (8).) *See also R. S. O.* c. 205, s. 32 (5). Similar provision for attendance at High Schools.

Endowing Fellowships.

(9) For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School at Toronto, for competition among the pupils of the Public High Schools in the County, as the Council deem expedient for the encouragement of learning amongst the youth thereof. R. S. O. c. 174, s. 465 (9). (36 V. c. 48, s. 383 (9).) *See also R. S. O.* c. 205, s. 32 (6). Endowing fellowships in University of Toronto and U. C. College.

Public Fairs.

(10) For authorizing, on petition of at least 50 qualified electors of the Municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the Municipality for municipal purposes; Authorizing the holding, etc., of public fairs, and regulating same.

(*a*)

Purpose of such fairs restricted.

(*a*) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement;

Rules to be made for governing same.

(*b*) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair;

Public notice of by-law establishing same.

(*c*) The Council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. R. S. O. c. 174, s. 465 (10). (36 V. c. 48, s. 383 (10).)

Junk Stores.

Licensing and regulating "junk" stores.

(11) For licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for a license so to have or keep such "junk" store or shop. (45 V. c. 23, s. 11).

For powers of Counties, Cities and Towns as to Houses of Refuge, see sec. 459.

Division V.—Powers of Councils of Cities, Towns and Incorporated Villages.

Respecting Water and Water-Works. Sec. 496 (1, 2.)
" *Tainted Provisions. Sec.* 496 (3.)
" *Nuisances. Sec.* 496 (4–9.)
" *Enclosure of Vacant Lots. Sec.* 496 (10.)
" *Driving upon Sidewalks. Sec.* 496 (11.)
" *Importuning Travellers. Sec.* 496 (12.)
" *Public Health. Sec.* 496 (13.)
" *Interments. Sec.* 496 (14, 15.)
" *Gunpowder. Sec.* 496 (16.)
" *Prevention of Fires. Sec.* 496 (17–30.)
" *Removal of Snow, Ice, Dirt. Sec.* 496 (31.)
" *Obstruction of Roads and Streets. Sec.* 496 (32, 33.)
" *Numbering Houses and Lots and Record of Streets. Sec.* 496 (34, 35.)
" *Naming Streets. Sec.* 496 (36.)
" *Cellars. Sec.* 496 (37, 38.)
" *Sewerage and Drainage. Sec.* 496 (39–44.)
" *User of Streets. Secs.* 496 (45-48,) 497 (9.)
" *Cab Stands. Sec.* 496 (46.)
" *Telegraph Poles. Sec.* 496 (47.)
" *Accidents to Children from riding behind waggons. Sec.* 496 (48.)

Respecting

Respecting Inspection of Meat, Milk, etc. Sec. 496 (49.)
" *Free Libraries. Sec.* 496 (50.)
" *Markets, etc. Secs.* 497-503.
" *Assize of Bread. Sec.* 503 (13.)

496. The Council of every City, Town and incorporated Village may pass by-laws— By-laws may be made for—

Water and Waterworks.

(1) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water; R. S. O. c. 174, s. 466 (1). (36 V. c. 48, s. 384 (1).) Establishing, etc., public wells, reservoirs, etc.

(2) For constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water works and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in "*The Municipal Water Works Act, 1882;*" 45 V. c. 25, s. 2. Constructing water-works.

Tainted Meat.

(3) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; R. S. O. c. 174, s. 466 (14). (36 V. c. 48, s. 384 (14).) Tainted provisions.

Nuisances.

(4) For preventing and abating public nuisances; 44 V. c. 24, s. 11. (36 V. c. 48. s. 384 (15).) Nuisances.

(5) For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity. 44 V. c. 24, s. 11. Prevention of begging, etc.

(6) For preventing or regulating the construction of privy vaults; R. S. O. c. 174, s. 466 (16). (36 V. c. 48, s. 384 (16).) Privy vaults.

(7) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; including the keeping of cattle and pigs, or swine, and cattle, or cow-byres and piggeries; R. S. O. c. 174, s. 466 (17); 44 V. c. 24, s. 12. (36 V. c. 48, s. 384 (17).) Slaughter houses, etc.

(8) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; R. S. O. c. 174, s. 466 (18). (36 V. c. 48, s. 384 (18).) Preventing noises.

(9)

Firing of guns, etc.

(9) For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; R. S. O. c. 174, s. 466 (19). (36 V. c. 48, s. 384 (19).)

Enclosure of Vacant Lots.

Vacant lots.

(10) For causing vacant lots to be properly enclosed; R. S. O. c. 174, s. 466 (20). (36 V. c. 48, s. 384 (20).)

Driving upon Sidewalks.

Driving, etc., upon sidewalks.

(11) For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor; R. S. O. c. 174, s. 466 (21). (36 V. c. 48, s. 384 (21).)

Importuning Travellers.

Importuning travellers.

(12) For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; R. S. O. c. 174, s. 466 (22). (36 V. c. 48, s. 384 (22).)

Public Health.

Public health.

(13) For providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; R. S. O. c. 174, s. 466 (23). (36 V. c. 48, s. 384 (23).) *See also R. S. O.* c. 190, *and* 45 V. c. 29.

Interments.

Interments.

(14) For regulating the interment of the dead, and for preventing the same taking place within the Municipality; R. S. O. c. 174, s. 466 (24). (36 V. c. 48, s. 384 (24).)

Bills of mortality.

(15) For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; R. S. O. c. 174, s. 466 (25). (36 V. c. 48, s. 384 (25).)

Gunpowder.

Gunpowder, care of.

(16) For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support, by fees, of magazines for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the Municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor; R. S. O. c. 174, s. 466 (26). (36 V. c. 48, s. 384 (26).)

Preventing

Preventing Fires.

(17) For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property-saving companies; R. S. O. c. 174, s. 466 (27). (36 V. c. 48, s. 384 (27).) Fire companies, etc.

(18) For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires; R. S. O. c. 174, s. 466 (28). (36 V. c. 48, s. 384 (28).) Medals and rewards to persons distinguishing themselves at fires. Aid to widows.

(19) For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places; R. S. O. c. 174, s. 466 (29). (36 V. c. 48, s. 384 (29).) Fire in stables, etc.

(20) For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; R. S. O. c. 174, s. 466 (30). (36 V. c. 48, s. 384 (30).) Dangerous manufactories.

(21) For preventing, and for removing or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire: R. S. O. c. 174, s. 466 (31). (36 V. c. 48, s. 384 (31).) Chimneys, stoves, etc.

(22) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same, and for compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein. 44 V. c. 24, s. 13. Regulating construction, etc., of chimneys.

(23) For regulating the mode of removal and safe keeping of ashes; R. S. O. c. 174, s. 466 (33). (36 V. c. 48, s. 384 (33).) Ashes.

(24) For regulating and enforcing the erection of party walls; R. S. O. c. 174, s. 466 (34). (36 V. c. 48, s. 384 (34).) Party walls.

(25) For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; R. S. O. c. 174, s. 466 (35). (36 V. c. 48, s. 384 (35).) Scuttles, ladders, etc., to houses.

(26) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; R. S. O. c. 174, s. 466 (36). (36 V. c. 48, s. 384 (36).) Guarding buildings against fire.

(27) For requiring the inhabitants to provide so many fire buckets, in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; R. S. O. c. 174, s. 466 (37). (36 V. c. 48, s. 384 (37).) Fire buckets.

Inspection of premises.

(28) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; R. S. O. c. 174, s. 466 (38). (36 V. c. 48, s. 384 (38).)

Preventing spreading of fire.

(29) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; R. S. O. c. 174, s. 466 (39). (36 V. c. 48, s. 384 (39).)

Enforcing assistance at fires.

(30) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; R. S. O. c. 174, s. 466 (40). (36 V. c. 48, s. 384 (40).)

Removal of Snow, Ice, Dirt.

Removal of snow, etc.

(31) For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates; R. S. O. c. 174, s. 466 (41). (36 V. c. 48, s. 384 (41).)

Cleaning of sidewalks, streets, etc.

Obstruction of Roads and Streets.

Preventing obstruction and fouling of streets, etc.

(32) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; R. S. O. c. 174, s. 466 (42). (36 V. c. 48, s. 384 (42).)

Removal of door-steps, etc.

(33) For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found; R. S. O. c. 174, s. 466 (43). (36 V. c. 48, s. 384 (43).)

Numbering Houses and Lots.

Numbering houses, etc.

(34) For numbering the houses and lots along the streets of the Municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; R. S. O. c. 174, s. 466 (44). (36 V. c. 48, s. 384 (44).)

(35)

(35) For keeping (and every such Council is hereby required to make and keep) a record of the streets, and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such Council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection; R. S. O. c. 174, s. 466 (45). (36 V. c. 48, s. 384 (45).) Record of streets, numbers, etc.

Naming Streets.

(36) For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect, unless and until the by-law has been registered in the Registry Office of the County or other Registration Division; and the Registrar shall be entitled to a fee of one dollar, for every by-law so registered, and for the necessary entries and certificates in connection therewith; R. S. O. c. 174, s. 466 (46). (36 V. c. 48, s. 384 (46); 40 V. c. 7, *Sched. A* (180).) For marking the boundaries of and naming streets, etc.

Levels of Cellars—Plans.

(37) For ascertaining and compelling owners, tenants and occupants to furnish the Councils with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the by-laws; R. S. O. c. 174, s. 466 (47). (36 V. c. 48, s. 384 (47).) Ascertaining levels of cellars, etc.

(38) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws; R. S. O. c. 174, s. 466 (48). (36 V. c. 48, s. 384 (48).) Compelling the furnishing of ground or block plan of buildings to be erected.

Sewerage and Drainage.

(39) For regulating the construction of cellars, sinks, water-closets, privies and privy vaults, and the manner of draining the same; R. S. O. c. 174, s. 466 (49). (36 V. c. 48, s. 384 (49).) Cellars, sinks, etc.

(40) For compelling or regulating the filling up, draining, clearing, altering, relaying or repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof, if done by the Council on their default; R. S. O. c. 174, s. 466 (50). (36 V. c. 48, s. 384 (50).) Filling in hollow places, drains, etc.

Sewerage and drainage.

(41) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes; R. S. O. c. 174, s. 466 (51). (36 V. c. 48, s. 384 (51).)

Charging rent for sewers.

(42) For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the Council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid; R. S. O. c. 174, s. 466 (52). (36 V. c. 48, s. 384 (52).)

Acquiring land in another municipality for drainage purposes.

(43) For accepting or purchasing any land in any other Municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other Municipality into such city, town, or incorporated village, and for providing an outlet for such waters through any other Municipality, and for opening, making, preserving, and improving drains, sewers and water-courses in the lands so acquired;

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Provided always that the consent of the Municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this sub-section shall be exercised; 43 V. c. 24, s. 21.

Acquiring land in another municipality for general purposes.

(44) For acquiring and holding by purchase or otherwise, for the public use of the Municipality, lands situate outside the limits of such city, town, or incorporated village; but such lands so acquired shall not form part of the Municipality of such city, town or incorporated village, but shall continue and remain as of the Municipality where situate; R. S. O. c. 174, s. 556. (40 V. c. 25, s. 1). *See also Secs.* 490 (8) *and* 504 (9).

User of Streets.

Regulating traffic in streets, wheels, tec.

(45) For regulating the conveyance of traffic in the public streets, and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise; R. S. O. c. 174, s. 466 (54); 36 V. c. 48, s. 384 (54).

Cab Stands.

Cab stands.

(46) For authorizing and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection

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and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth; 43 V. c. 24, s. 15.

Telegraph Poles.

Telegraph poles.

(47) For regulating the erection and maintenance of telegraph and telephone poles and wires within their limits; 44 V. c. 24, s. 14.

Children

Children Riding behind Vehicles.

(48) For preventing children from riding on the platform of cars or behind waggons and other vehicles, and for preventing accidents arising from such causes; 44 V. c. 24, s. 14. Preventing children from riding behind waggons, etc.

Inspection of Meat, Milk, etc.

(49) For appointing inspectors and providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops; 45 V. c. 23, s. 12. Inspection of meat, etc.

Free Libraries.

(50) For establishing free libraries in accordance with and subject to the provisions of "*The Free Libraries Act, 1882.*" Establishing free libraries. 45 V. c. 22.

Markets, etc.

497. No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market or to the market place for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. 45 V. c. 24, s. 1 (1). Market fees on certain products abolished.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the Municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. 45 V. c. 24, s. 1 (2). When fees may be charged on butter, etc., brought to market.

(3) When the vendor of any article brought within the Municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the Municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof or on the vehicle in which the same is so brought. 45 V. c. 24, s. 2 (1). Fees not to be charged on articles delivered in pursuance of prior contract.

(4) Where there is no prior contract as mentioned in the previous sub-section, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any Municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of such Municipality. 45 V. c. 24, s. 2 (2). When fees not to be charged, though no prior contract.

(5)

Restriction as to by-laws requiring articles to be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured. 45 V. c. 24, s. 3.

Limit of time for enforced sale of goods at market.

(6) After nine o'clock in the forenoon, between the first day of April and the first day of November, and after ten o'clock in the forenoon, between the first day of November and the first day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place: Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained. 45 V. c. 24, s. 4.

Scale of market fees.

(7) No market fees shall be imposed by any Municipality higher than those contained in the following scale:—

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than .....ten cents.
Upon articles brought to the market place in a vehicle drawn by one horse, not more than.....five cents.
Upon articles brought to the market place by hand or in any basket or vessel, not more than .. two cents.
Upon or in respect of live stock driven to or upon the market place for sale, as follows:—
Every horse, mare, or gelding, not more than ..ten cents.
Every head of horned cattle, not more than ..five cents.
Every sheep, calf, or swine, not more than....two cents.
45 V. c. 24, s. 5.

Scale of fees for weighing or measuring.

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:—

For weighing a load of hay .....fifteen cents.
For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds.....two cents.
Over one hundred pounds, and up to one thousand pounds .....five cents.
Over one thousand pounds .....ten cents.
For weighing live animals, other than sheep or pigs, per head.....three cents.
Sheep or pigs, if more than five, per head ....one cent.
If less than five, for the lot.....four cents.
For measuring a load of wood.....five cents.
45 V. c. 24, s. 6.

Regulation of sale and traffic.

(9) Subject to the other provisions of this section, the Municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned,

mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise. 45 V. c. 24, s. 7.

Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees;

498. The preceding section shall not apply to any Municipality which shall pass, and so long as it shall keep in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the Municipality, excepting only at and upon the market place or places thereof. 45 V. c. 24, s. 8 (1).

but such by-law may impose fees on persons voluntarily using market;

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as shall voluntarily use the market place for the purpose of selling such articles. 45 V. c. 24, s. 8 (2).

and on others taking advantage of market.

(3) And such by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee; but this sub-section shall not apply to grain, seeds, dressed hogs or wool; provided always that where the market fees have been sold or leased in any Municipality for the year 1883 this section shall not come into force in such Municipality until the first day of January, 1884. 45 V. c. 24, s. 8 (3); 46 V. c. 17, s. 1.

By-law not to interfere with sales to persons carrying on business in vicinity of market.

(4) But such by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned: nor shall such by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained. 45 V. c. 24, s. 8. (4).

Restriction on fees.

(5) It shall not be lawful for any Municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by such Municipality on the first day of March, 1882. 45 V. c. 24, s. 8 (5).

Fees not to be charged on markets made in streets

(6) No market fee shall be levied, collected or imposed by any Municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on, or out of any street or part of any street within said Municipality: Provided always that

that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. 45 V. c. 24, s. 8 (6).

Preceding section not to apply when no fees are charged.

499. The preceding section shall not apply to any Municipality where no market fees were charged or imposed on the tenth day of March, 1882, but sections 497, 500 and 501 shall apply to such Municipality in the event of market fees being thereafter charged or imposed therein. 45 V. c. 24, s. 9.

Power to regulate sales when no fees are charged.

500. Nothing in the preceding sections contained shall prevent any Municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the Municipality to the same extent as it might do before the tenth day of March, 1882: Provided always that market fees within the meaning of this section shall not include fees for weighing or measuringPro; vided further, that after nine o'clock in the forenoon, between the first day of April and the first day of November, and after ten o'clock in the forenoon, between the first day of November and the first day of April, no person shall be compelled to remain on, or resort to, any market-place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places. 45 V. c. 24, s. 10; 46 V. c. 17, s. 2.

Inconsistent enactments to be of no effect.

501. When and so long as section 497 shall be in force and apply to any Municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such Municipality; and when and so long as section 498 shall be in force in and apply to any Municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such Municipality. 45 V. c. 24, s. 11.

Right to lease market fees.

502. Subject to the provisions of the five next preceding sections, and notwithstanding anything contained in section 35 of the Municipal Amendment Act of 1881, every Municipality shall hereafter have, and shall be held to have had, since the first day of April, 1882, the power to sell, assign, or lease its market fees. 46 V. c. 17, s. 3.

Market by laws.

503. The Council of every City, Town and incorporated Village may, subject to the restrictions and exceptions contained in the six next preceding sections, also pass by-laws:

Establishing markets.

(1) For establishing markets; R. S. O. c. 174, s. 466. (2). (36 V. c. 48, s. 384 (2).)

Regulating markets.

(2) For regulating all markets established and to be established; the places, however, already established as markets in the

the Municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such Municipality shall continue to be vested in the Corporation thereof; R. S. O. c. 174, s. 466 (3). (36 V. c. 48, s. 384 (3).) Old markets continued.

(3) For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale; R. S. O. c. 174, s. 466 (4). (36 V. c. 48, s. 384 (4).) Regulating vending in streets, etc.

(4) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed. R. S. O. c. 174, s. 466 (5). (36 V. c. 48, s. 384 (5).) Regulating sales, etc.

(5) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor; and also for preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto. R. S. O. c. 174, s. 466 (6). (36 V. c. 48, s. 384 (6).) Sale of grain, meat, farm produce, small ware, etc.

(6) For granting annually, or oftener licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding $50 in Cities and $25 in Towns and incorporated Villages to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the council, but nothing herein contained shall affect the powers conferred in the preceding sub-section. 42 V. c. 31, s. 20. Regulating sale of meat.

(7) For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market; R. S. O. c. 174, s. 466 (7). (36 V. c. 48, s. 384 (7).) Preventing forestalling, etc.

(8) For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners; R. S. O. c. 174, s. 466 (8). (36 V. c. 48, s. 384 (8).) Regulating hucksters, etc.

(9) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; R. S. O. c. 174, s. 466 (9). (36 V. c. 48, s. 384 (9). Measuring, etc., certain articles.

(10) For imposing penalties for light weight or short count or short measurement in anything marketed; R. S. O. c. 174, s. 466 (10). (36 V. c. 48, s. 384 (10).) *See ante*, s. 482 (24). Penalties for light weight, etc.

(11)

Regulating vehicles used in market vending.

(11) For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid; R. S. O. c. 174, s. 466 (11). (36 V. c. 48, s. 384 (11).)

Sale of meat distrained.

(12) For selling, after six hours' notice, butchers' meat distrained for rent of market stalls; R. S. O. c. 174, s. 466 (13). (36 V. c. 48, s, 384 (13).)

Assize of Bread.

Assize of bread, etc.

(13) For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; R. S. O. c, 174, s. 466 (12). (36 V. c. 48, s. 384 (12).) *See ante*, s. 482 (24).

DIVISION VI.—POWERS OF COUNCILS OF CITIES AND TOWNS.

Respecting Intelligence Offices. *Sec.* 504 (1-5).
" *Wooden Buildings.* *Sec.* 504 (6).
" *Police.* *Sec.* 504 (7, 8).
" *Industrial Farms—Exhibitions.* *Sec.* 504 (9-11).
" *Almshouses—Charities.* *Sec.* 504 (12).
" *Corporation Surveyor.* *Sec.* 504 (13).
" *Gas and Water.* *Secs.* 504 (14), 505-508.

By-laws may be made for—

504. The Council of every City and Town may pass by-laws:—

Intelligence Offices.

Licensing intelligence offices.

(1) For licensing suitable persons to keep Intelligence Offices, for registering the names and residences of, and giving information to, or procuring servants for employers in want of domestics or labourers, and for registering the names and residences of, and giving information to, or procuring employment for domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices; R. S. O. c. 174, s. 467 (1). (36 V. c. 48, s. 385 (1).)

Regulation of.

(2) For the regulation of such Intelligence Offices. R. S. O., c. 174, s. 467 (2). (36 V. c. 48, s. 385 (2).)

Duration of license.

(3) For limiting the duration of or revoking any such license. R. S. O., c. 174, s. 467 (3). (36 V. c. 48, s. 385 (3).)

Prohibition without license.

(4) For prohibiting the opening or keeping of any such Intelligence Office within the Municipality without license. R. S. O., c. 174, s. 467 (4). (36 V. c. 48, s. 385 (4).)

Fees for.

(5) For fixing the fee to be paid for such license, not exceeding $10 for one year. R. S. O., c. 174, s. 467 (5). (36 V. c. 48, s. 385 (5).)

Wooden

Wooden Buildings.

(6) For regulating the erection of buildings, and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the City or Town; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material, within defined areas of the City or Town, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed or placed in contravention of any by-law. R. S. O., c. 174, s. 467 (6). (36 V. c. 48, s. 385 (6).) Regulating erection of buildings and fences. Construction of buildings within fire limits.

Police.

(7) For establishing, regulating and maintaining a police; but subject to the other provisions of this Act. R. S. O., c. 174, s. 467 (7). (36 V. c. 48, s. 385 (7).) Police.

(8) For aiding and assisting by annual money grant or otherwise, as the Council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established. 44 V. c. 24, s. 24. Superannuation and benefit funds for fire and police force.

Industrial Farm—Exhibitions.

(9) For acquiring any estate in landed property within or without the City or Town for an Industrial Farm, or for a public park, garden or walk, or for a place for Exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the City or Town, dedicated for a public park, garden or walk for the use of the inhabitants of the City or Town. R. S. O., c. 174, s. 467 (8). (36 V. c. 48, s. 385 (8).) *See also secs.* 459, 461 *and* 496 (44). Industrial farms, parks, etc.

(10) For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for Exhibitions as the Council deems necessary. R. S. O., c. 174, s. 467 (9). (36 V. c. 48, s. 385 (9).) Buildings thereon.

(11) For the management of the farm, park, garden, walk or place for Exhibitions and buildings. R. S. O., c. 174, s. 467 (10). (36 V. c. 48, s. 385 (10).) Managing the same.

Almshouses—Charities.

(12) For establishing and regulating within the City or Town, or on the Industrial Farm or ground held for public exhibitions, one or more Almshouses or Houses of Refuge for the relief of the destitute, and also for aiding charitable institutions Almshouses, etc.

tutions within the City or Town. R. S. O., c. 174, s. 467 (11). (36 V. c. 48, s. 385 (11).) *See sec.* 482 (12), *and as to Workhouses, sec.* 461.

Corporation Surveyor.

Corporation surveyor.

(13) For appointing any Provincial Land Surveyor to be the Corporation Surveyor. R. S. O., c. 174, s. 467 (12). (36 V. c. 48, s. 385 (12).)

Gas and Water.

Construction of gas and water works.

(14) For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years, nor less than five years. R. S. O., c. 174, s. 467 (16). (36 V. c. 48, s. 385 (17).) *See* 45 V. c. 25; 46 V. c. 21.

505. No by-law under the last sub-section of the preceding section shall be passed—

Estimate to be published, and notice of taking poll on by-law.

First:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council, have been published for three months, in some newspaper in the Municipality; or if no newspaper is published therein, then in some newspaper in the County in which the Municipality is situate;

Poll to be held and majority must be in favour.

Nor, secondly:—Until at a poll held in the same manner and at the same places, and continued for the same time as at elections for Councillors, a majority of the electors, voting at the poll, vote in favour of the by-law;

By-law to be passed within three months.

Nor, thirdly:—Unless the by-law is passed within three months after holding said poll. R. S. O., c. 174, s. 468. (36 V. c. 48, s. 386).

If by-law rejected.

506. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. R. S. O., c. 174, s. 469. (36 V. c. 48, s. 387).

Provisions where there is water company incorporated for the municipality.

507. In case there is any Water Company incorporated for the Municipality, the Council shall not levy any water rate until such Council has by by-law fixed a price to offer for the works or stock of the Company; nor until after 30 days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provisions of this

this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company. R. S. O., c. 174, s. 470. (36 V. c. 48, s. 388.) *See* 46 V. c. 21.

508. The foregoing clauses or any of them shall not be construed to apply to or affect the provisions contained in any special Act obtained or to be obtained by any Company or Municipal Corporation. R. S. O., c. 174, s. 471. (36 V. c. 48, s. 389.) Proviso as to provisions in special Acts.

Division VII.—Powers of Councils of Townships, Towns and Villages.

509. The Council of every Township, Town or Village may pass by-laws— Drainage.

Borrowing Money for Drainage Purposes.

For borrowing money and issuing debentures therefor for the purposes and subject to the provisions of "*The Ontario Tile, Stone and Timber Drainage Acts.*" 41 V. c. 9; 42 V. c. 8; 43 V. c. 6.

Division VIII.—Powers of Councils of Towns and Incorporated Villages.

510. The Council of every Town and Incorporated Village may pass by-laws— By-laws may be made for—

Licensing Vehicles, etc.

For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. R. S. O., c. 174, s. 472. (36 V. c. 48, s. 391.) Regulating and licensing livery stables, cabs, etc.

Division IX.—Exclusive Powers of Councils of Counties.

Respecting Protection of Booms. Sec. 511 (1).
" *Guaranteeing Debentures. Sec.* 511 (2).
" *Livery Stables, &c. Sec.* 512.
" *Board of Audit—Criminal Justice Account. Secs.* 513, 514.
" *Improvements by either County of a Union. Secs.* 515–519.
" *Support of Destitute Insane Persons. Sec.* 520.
" *Roads and Bridges. See secs.* 565, 567.

511.

By-laws may be made for—

511. The Council of every County may make by-laws—

Protecting Booms.

Protecting booms.

(1) For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the Municipality. R. S. O., c. 174, s. 473. (36 V. c. 48, s. 392.)

Guaranteeing Debentures.

Guaranteeing debentures.

(2) For guaranteeing debentures of any Municipality within the County, as the Council may deem expedient. 43 V. c. 24, s. 25.

Livery Stables, etc.

Regulating and licensing livery stables, etc.

512. The Council of every County, having County gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid County gravel or macadamized roads. R. S. O., c. 174, s. 476. (36 V. c. 48, s. 395.)

Tires.

Rates of fare.

Board of Audit—Criminal Justice, etc.

County boards of audit.

513. Every County Council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to such Council, to be members of the Board of Audit, for auditing and approving accounts and demands preferred against the County, the approving and auditing whereof previous to the nineteenth day of December, 1868, belonged to the General Quarter Sessions. R. S. O., c. 174, s. 474. (36 V. c. 48, s. 393.)

Payment of members of board.

514. The Council may pay the members of the said board of audit any sum not exceeding four dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 43 V. c. 24, s. 16.

Improvements by either County of a Union.

Enabling either county of a union to

515. The Councils of United Counties may make appropriations and raise funds to enable either County separately to carry

carry on such improvements as may be required by the inhabitants thereof. R. S. O., c. 174, s. 478. (36 V. c. 48, s. 397.) make improvements therein.

516. Whenever any such measure is brought under the notice of the Council of any United Counties, none but the Reeves and Deputy-Reeves of the County to be affected by the measure shall vote; except in case of an equality of votes, when the Warden, whether a Reeve or Deputy-Reeve of any portion of the County to be affected by the measure or not, shall have the casting vote. R. S. O., c. 174, s. 479. (36 V. c. 48, s. 398.) Reeves, etc., of the county interested alone to vote. Exception.

517. In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to. R. S. O. c. 174, s. 480. (36 V. c. 48, s. 399.) Provisions of this Act for repayment to apply.

518. The Treasurer of the United Counties shall pay over all sums so raised and paid into his hands by the several Collectors, without any deduction or percentage. R. S. O., c. 174, s. 481. (36 V. c. 48, s. 400.) Treasurer to pay over moneys without deduction.

519. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other County purpose, except that any sum to be raised for the purposes of one County only, or for the payment of any debt contracted for the purposes of one County only, shall be assessed and levied solely upon property assessed in that County, and not upon property in any other County united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one County only, and shall be as valid and binding upon that County as if that County were a separate Municipality, but such debenture shall be under the seal of the United Counties, and be signed by the Warden thereof. R. S. O., c. 174, s. 482. (36 V. c. 48, s. 401.) The property to be assessed in such cases.

Support of Destitute Insane Persons.

520. The County Council of each County shall, from time to time, make provision for the whole or partial support of such insane destitute persons as cannot properly be admitted into the provincial asylums, either in the County gaol or some other place within the County, and shall determine the sum to be paid for such support, and also the party or parties to whom such sums shall be paid by the County Treasurer. 43 V. c. 26, s. 1. County council to make provision for the destitute insane.

DIVISION X.—EXCLUSIVE POWERS OF COUNCILS OF TOWNSHIPS.

Respecting Statute Labour. *Sec.* 521 (1-6).
" *Town Halls.* *Sec.* 521 (7, 8).
" *Obstructions to Streams and Water-Courses.* *Secs.* 521 (9-11), 522.
" *Registration of Plans.* *Sec.* 523.
" *Roads and Bridges.* *See secs.* 566-569.

By-laws may be made for—

521. The Council of every Township may pass by-laws—

Statute Labour.

Commutation of statute labour.

(1) For empowering any person (resident or non-resident) liable to statute labour within the Municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding $1 for each day's labour. R. S. O., c. 174, s. 483 (1). (36 V. c. 48, s. 390 (1).)

Rate of commutation.

(2) For providing that a sum of money, not exceeding $1 for each day's labour, may or shall be paid in commutation of such statute labour. R. S. O., c. 174, s. 483 (2). (36 V. c. 48, s. 390 (2).)

Fixing number of days' statute labour

(3) For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively. R. S. O., c. 174, s. 483 (3). (36 V. c. 48, s. 390 (3).)

Enforcing statute labour.

(4) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law. R. S. O., c. 174, s. 483 (4). (36 V. c. 48, s. 390 (4).)

Regulating performance, etc.

(5) For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. R. S. O., c. 174, s. 483 (5). (36 V. c. 48, s. 390 (5).) *See* 40 V. c. 7, *Sched. A* (181).

Reducing or abolishing.

(6) For reducing the amount of statute labour to be performed by the ratepayers or others within the Municipality, or for entirely abolishing such statute labour. 43 V. c. 27, s. 21.

Town Halls.

Acquiring land for a town hall in a town or village.

(7) For acquiring lands in any Town or incorporated Village within or partly within the original boundaries of the Township, for the purpose of erecting thereon a Town Hall, or for renting or acquiring a hall, within such Town or Village, for the purpose of a Town Hall. 42 V. c. 31, s. 29.

Township and other meetings may be held and notices

(8) Any Township owning, renting or otherwise acquiring a Town Hall in any such Town or Village may hold at such Town Hall, any meeting, nomination, or election, or post at such

such Town Hall any notice, assessment roll, or voters' list, or do thereat any other act required by law to be held, posted or done in the Township at the Town Hall, and any meeting of any Mutual Insurance Company, or upon the formation thereof, which shall by any statute be held in the Municipality, may lawfully be held in such Hall. 42 V. c. 31, s. 30. posted at such hall.

Obstructions to Streams and Water-courses.

(9) For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise; Preventing obstruction of streams, etc.

(10) For levying the amount of such expense in the same manner as taxes are levied; Levying expenses.

(11) For imposing penalties on parties causing such obstructions. R. S. O., c. 174, s. 484. (36 V. c. 48, s. 402). Penalties.

522. Whenever any stream or creek in any Township is cleared of all logs, brush or other obstructions to the Town line between such Township and any adjoining Township into which such stream or creek flows, the Council of the Township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the Council of the adjoining Township into which the stream or creek flows, requesting such Council to clear such stream or creek through their Municipality; and it shall be the duty of such last-named Council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their Municipality, to the satisfaction of any person whom the Council of the County in which the Municipality whose Council served the notice is situate, shall appoint to inspect the same. R. S. O., c. 174, s. 485. (36 V. c. 48, s. 403). When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality requiring them to clear such stream within their municipality.

Registration of Plans.

523. Where land in a Township has been or shall hereafter be sold under surveys or sub-divisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under the Acts in that behalf, the Council of the Township may at the written request of the Inspector of Registries, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated Village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate, to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the Council for the purpose of levying such rate; and the Municipality shall have the like remedies for the recovery of such expenses as it has for compelling payment of taxes. 42 V. c. 31, s. 35. Enforcing registration of plans of subdivision of land in certain cases. Expenses of registration, etc.

TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

DIV. I.—GENERAL PROVISIONS.
DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
DIV. IV.—COUNTY COUNCILS.
DIV. V.—TOWNSHIP COUNCILS.

DIVISION I.—GENERAL PROVISIONS.

Highways defined. *Sec.* 524.
Freehold in Crown. *Sec.* 525.
Jurisdiction of Councils. *Sec.* 526.
Possession in Municipalities. *Secs.* 527, 528.
Acquiring Roads for Public Avenues. *Sec.* 528.
Assumption of County Bridges by Villages. *Sec.* 529.
Liability for Repairs. *Secs.* 530, 531.
County Roads and Bridges. *Secs.* 532, 533.
Improving and Maintaining County Roads. *Secs.* 534, 535.
Maintaining Township Roads. *Secs.* 536, 537.
Roads under joint Jurisdiction. *Secs.* 538–540.
Transfer of former Powers of Justices in Sessions to County Councils. *Sec.* 541.
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Roads necessary for ingress and egress. *Sec.* 544.
Width of Roads. *Sec.* 545.
Notices of By-laws affecting Public Roads. *Sec.* 546.
Registration of Road By-laws. *Sec.* 547.
Disputes respecting Roads—Administration of Oaths. *Sec.* 548.
Mistakes in opening Road Allowances. *Sec.* 549.

Highways Defined.

What shall constitute public highways.

524. All allowances made for roads by the Crown Surveyors in any Town, Township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. R. S. O. c. 174, s. 486. (36 V. c. 48, s. 404.) *See R. S. O.* c. 146, ss. 49, 50 and 67.

Freehold

Freehold in the Crown.

Certain highways, etc., vested in the Crown.

525. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in Her Majesty, Her Heirs and Successors. R. S. O. c. 174, s. 487. (36 V. c. 48, s. 405.)

Jurisdiction of Municipal Councils.

Jurisdiction of councils over roads, etc.

526. Subject to the exceptions and provisions hereinafter contained, every Municipal Council shall have jurisdiction over the original allowances for roads and highways and bridges within the Municipality. R. S. O. c. 174, s. 488. (36 V. c. 48, s. 406.)

Possession in Municipalities.

Streets in cities, towns and incorporated villages vested in municipalities subject to certain rights.

527. Every public road, street, bridge or other highway, in a City, Township, Town or incorporated Village, shall be vested in the Municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the City, Township or Town or incorporated Village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. R. S. O. c. 174, s. 489. (36 V. c. 48, s. 407.)

Acquiring Roads for Public Avenues.

Acquiring roads and lands for public avenue or walk.

528. The Council of every City and Town may respectively pass by-laws for acquiring and assuming possession of and control over any public highway or road in an adjacent Municipality by and with the consent of such Municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk ;

And for acquiring from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less, subject to the provisions of section 486 of this Act. R. S. O. c. 174, s. 490 ; (36 V. c. 48, s. 408.)

Assumption of County Bridges by Villages.

Assumption by villages of bridges under control of county.

529. The Councils of every County and incorporated Village may pass by-laws for carrying out any arrangement between them for the assumption by the Village Municipality of any bridge within its limits under the jurisdiction of the County Council, and for such bridge being toll free ; and for the payment by the Village Municipality to the County Municipality of any part of the cost of the construction of such bridge ;

After the passing of such by-laws the bridge shall be and remain under the exclusive jurisdiction of the Village Municipality ;

Municipality; and the Village Municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the County Municipality; and the bridge shall be and remain toll free. 41 V. c. 11, s. 1.

Liability for Repairs.

Approaches to bridges.

530. The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any Municipality or Municipalities, shall be kept up and maintained by such Municipality or Municipalities: the remaining portion or portions of such approaches shall be kept up and maintained by the local Municipalities in which they are situate. 43 V. c. 24, s. 18.

Liability for repair of public roads, etc.

Limitation of actions.

531. Every public road, street, bridge and highway shall be kept in repair by the Corporation, and on default of the Corporation so to keep in repair, the Corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained:

To what roads applicable.

(2) This section shall not apply to any road, street, bridge or highway laid out by any private person, and the Corporation shall not be liable to keep in repair any such last-mentioned road, street, bridge or highway, until established by by-law of the Corporation, or otherwise assumed for public user by such Corporation. R. S. O. c. 174, s. 491. (36 V. c. 48, s. 409.)

[*By sections* 1 *and* 3 *of* C. S. C. c. 85, *it is provided that*:—

Use of public roads in cities and towns vested in the municipality.

1. The right to use as public highway all roads, streets and public highways within the limits of any City or incorporated Town in this Province, shall be vested in the Municipal Corporation of such City or incorporated Town, (except in so far as the right of property or other right in the land occupied by such highways have been expressly reserved by some private party when first used as such roads, street or highway, and except as to any concession road or side road within the City or Town where the persons now in possession or those under whom they claim have laid out streets in such City or Town without any compensation therefor in lieu of such concession or side road. 13, 14, V. c. 15, s. 1.

Consequences of neglect.

3. If the Municipal Corporation of any such City or incorporated Town fail to keep in repair any such road, street or highway within the limits thereof, such default shall be a misdemeanor for which such Corporation shall be punished by fine in the discretion of the Court before whom the conviction is had. 13, 14 V. c. 15, s. 1.]

County Roads and Bridges.

Jurisdiction of county councils over roads and bridges.

532. The County Council shall have exclusive jurisdiction over all roads and bridges lying within any Township, Town or Village of the County, and which the Council by by-law assumes with the assent of such Township, Town or Village Municipality as a County road, or bridge, until the by-law has been

been repealed by the Council, and over all bridges across streams separating two Townships in the County, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated Village in the County, and connecting any highway leading through the County, and over all bridges over rivers forming or crossing boundary lines between two Municipalities. R. S. O. c. 174, s. 492. (37 V. c. 16, ss. 17 and 19; 39 V. c. 7, s. 2, *Sched. B.*)

Boundary lines may be maintained by county.

533. Any County Council may assume, make and maintain any Township or County boundary line at the expense of the County, or may grant such sum or sums from time to time for the said purposes as they may deem expedient. R. S. O. c. 174, s. 493. (36 V. c. 48, s. 411.)

As to Improving and Maintaining County Roads.

Roads or bridges assumed by county councils.

534. When a County Council assumes, by by-law, any road or bridge within a Township as a County road or bridge, the Council shall, with as little delay as reasonably may be, and at the expense of the County, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further the County Council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated Village in the County, necessary to connect any public highway leading through the County. R. S. O. c. 174, s. 494. (37 V. c. 16, s. 18.)

Maintenance of certain bridges in villages.

Bridges between municipalities.

535. It shall be the duty of County Councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two Municipalities (other than in the case of a City or separated Town) within the County; and in case of a bridge over a river forming or crossing a boundary line between two Counties, or a County and a City, such bridge shall be erected and maintained by the Councils of the Counties or County and City respectively; and in case the Councils of such County and City, or the Councils of such Counties, fail to agree on the respective portions of the expense to be borne by the several Municipalities, it shall be the duty of each Council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and the award made shall be final. R. S. O. c. 174, s. 495. (37 V. c. 16, s. 19.)

Differences to be settled by arbitration.

Maintaining Township Roads.

Boundary lines not assumed by county council.

536. All Township boundary lines not assumed by the County Council shall be opened, maintained and improved by the Township Councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two Municipalities. R. S. O. c. 174, s. 496. (*See* 36 V. c. 48, s. 414, and 37 V. c. 16, s. 19.)

537.

Township boundaries, being also county boundaries.

537. Township boundary lines forming also the County boundary lines, and not assumed or maintained by the respective Counties interested, shall be maintained by the respective Townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two Municipalities. R. S. O. c. 174, s. 497. (36 V. c. 48, s. 415; 37 V. c. 16, s. 19.)

Roads under Joint Jurisdiction.

Joint jurisdiction over certain roads.

538. In case a road lies wholly or partly between a County, City, Town, Township or incorporated Village, and an adjoining County or Counties, City, Town, Township or incorporated Village, the Councils of the Municipalities between which the road lies shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them; and the said road shall not include a bridge over a river forming or crossing the boundary line between two Municipalities, other than Counties. R. S. O. c. 174, s. 498; 45 V. c. 23, s. 13. (36 V. c. 48, s. 416.)

Both councils must concur in by-laws respecting them.

539. No by-law of the Council of any one of such Municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other Council or Councils having joint jurisdiction in the premises. R. S. O. c. 174, s. 499. (36 V. c. 48, s. 417.)

Arbitration if they do not concur.

540. In case the other Council or Councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each Municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. R. S. O. c. 174, s. 500. (36 V. c. 48, s. 418.)

Transfer of former Powers of Justices in Sessions to County Councils.

Certain powers of justices in sessions transferred to county councils.

541. All powers, duties and liabilities which at any time before the first day of January, 1850, belonged to the Magistrates in Quarter Sessions, with respect to any particular road or bridge in a County, and are not conferred or imposed upon any other Municipal Corporation, shall belong to the Council of the County, or in case the road or bridge lies in two or more Counties, to the Councils of such Counties; and the neglect and disobedience of any regulations or directions made by such Council or Councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the Magistrates would have subjected them to. R. S. O. c. 174, s. 501. (36 V. c. 48, s. 419.)

Roads

Roads vested in Her Majesty.

542. No Council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public Department or Board, and the Lieutenant-Governor shall by Order in Council have the same powers as to such road and bridge as are by this Act conferred on Municipal Councils with respect to other roads and bridges; but the Lieutenant-Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the Council of the Municipality. R. S. O. c. 174, s. 502. (36 V. c. 48, s. 420.)

Roads, etc., provincial works vested in her Majesty, etc., not to be interfered with.

Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

Roads on Dominion Lands.

543. No Council shall pass any by-law

(1) For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates became vested under the Statute of the Province of Canada passed in the nineteenth year of Her Majesty's reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or

Ordnance roads, lands, etc.

19 V. c. 45; Con. Stat. Can. c. 24. *See* 40 V. c. 8 (D.).

(2) For opening any such communication through any lands held by the Dominion of Canada; or

Dominion lands,

(3) Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

Bridges, etc.

(4) Interfering with any land reserved for military purposes, or with the integrity of the public defences,

Military lands,

without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. R. S. O. c. 174, s. 503. (36 V. c. 48, s. 421.)

Not to be interfered with without consent of Dominion.

Roads necessary for Ingress and Egress,

544. No Council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or any Municipal Council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the Council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. R. S. O. c. 174, s. 504. (36 V. c. 48, s. 422.)

Council not to close road required by individuals for ingress, egress, etc.

Proviso.

Width

Width of Roads.

Width of roads.

545. No Council shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the Council of the County in which the Municipality is situate; but any road, when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the Council of the Municipality. R. S. O. c. 174, s. 505. (36 V. c. 48, s. 423.)

Notices of By-laws affecting Public Roads.

Conditions precedent to passing by-laws intended to affect public roads.

546. No Council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

Notice to be posted up,

(1) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published in a newspaper.

(2) And published weekly for at least four successive weeks in some newspaper (if there be any) published in the Municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring Municipality; and, in either case, in the County Town, if any such there be;

Parties prejudicially affected to be heard.

(3) Nor until the Council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give the notices on payment of expenses.

(4) And the Clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. R. S. O. c. 174, s. 506. (36 V. c. 48, s. 424.)

Registration of Road By-laws.

By-laws under which roads are opened on private property to be registered

547. Every by-law passed since the twenty-ninth day of March, 1873, or hereafter to be passed by any Municipal Council under the authority of which any street, road or highway has been or is opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the Registry Office of the County or other Registration Division in which the land is situate; and for the purpose of registration a duplicate original of such by-law shall be made out, certified under the hand of the Clerk and the seal of the Municipality, and shall be registered without any further proof.

As to by-laws already passed.

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before

before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or Municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of the by-law under the hand of the Clerk of the Municipality and the seal of such Municipality, or by a duly certified copy of such order or resolution of such Quarter or General Sessions, given under the hand of the Clerk of the Peace, as the case may be. R. S. O. c. 174, s. 507. (36 V. c. 48, s. 445.) *See also R. S. O.* c. 111, s. 73.

Disputes respecting Roads.—Administration of Oaths.

Power to administer oaths in certain cases.

548. In case of disputes in any Municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a Municipal Council, the head of the Council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. R. S. O. c. 174, s. 508. (36 V. c. 48, s. 446.)

Mistakes in Opening Road Allowances.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances.

549. In case it appears that any Municipality in whose jurisdiction an original road, or allowance for road is situate, shall open that which they take and believe to be the true site of the same, and in case the Municipality, their officers and servants, shall act in good faith, and shall take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to or as nearly upon the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the Municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same. 44 V. c. 24, s. 15.

Municipality to make compensation.

(2) The Municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same: Provided the claims for such compensation shall be made within one year from the time of the laying out or taking possession of such road by the Municipality or its officers, or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. 44 V. c. 24, s. 16.

Proviso.

DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES IN RELATION TO ROADS AND BRIDGES.

General Powers, Sec. 550 (1).
Respecting Tolls, Sec. 550 (3-5).
" *Timber, Stone, etc., on Road Allowances*, Sec. 550 (6).
" *Privileges to Road or Bridge Companies*, Sec. 550 (7).
" *Procuring Materials for Constructing or Repairing Roads*, Sec. 550 (8).
" *Road Allowances*, Secs. 550 (9), 551-553.
" *Aid to adjoining Municipalities in Making Roads or Bridges*, Sec. 554.

By-laws may be made for—

550. The Council of every County, Township, City, Town and incorporated Village may pass by-laws—

General Powers.

Opening or stopping up roads, etc.

(1) For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction, and also for permitting sub-ways for cattle under any highway; R. S. O. c. 174, s. 509 (1). (36 V. c. 48, s. 425 (1).)

Roads across railway lands.

(2) For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up, within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in "*The Railway, Streets and Drains Act, 1882*," and provided that such highway is within the jurisdiction of the Council; 45 V. c. 21, s. 4.

Tolls.

Raising money by toll.

(3) For raising money by toll on any bridge, road or other work, to defray the expense of making or repairing the same; R. S. O. c. 174, s. 509 (2). (36 V. c. 48, s. 425 (2).)

Making regulations as to dangerous places.

(4) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; R. S. O. c. 174, s. 509 (3). (36 V. c. 48, s. 425 (3).)

(5)

Granting right to take tolls.

(5) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than 21 years after the work has been completed, and after such completion has been declared by a by-law of the Council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair; R. S. O. c. 174, s. 509 (6). (36 V. c. 48, s. 425 (6).)

Timber, Stone, etc., on Road Allowances.

For preservation of trees, stone, etc. R. S. O. c. 26.

(6) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of "*The Act respecting the Sale and Management of Timber on Public Lands*" relative to Government road allowances and the granting of Crown timber licenses; R. S. O. c. 174, s. 509 (4). (36 V. c. 48, s. 425 (4).)

Granting Privileges to Road or Bridge Companies.

Granting privileges to road or bridge companies.

(7) For regulating the manner of granting to Road or Bridge Companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such Companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the Council; R. S. O. c. 174, s. 509 (5). (36 V. c. 48, s. 425 (5).) *See also R. S. O.* c. 152.

Procuring Materials for Constructing or Repairing.

Searching for and taking materials for roads, etc.

(8) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such Municipality; and the right of entry upon such lands as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act; R. S. O. c. 174, s. 509 (7). (36 V. c. 48, s. 425 (7).)

Selling Road Allowances.

When the council may stop up or sell a road allowance.

(9) For selling the original road allowance, to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land any road legally stopped up or altered by the Council; and in case such parties respectively refuse to become the purchasers at such price as the Council thinks reasonable, then for

for the sale thereof to any other person for the same or a greater price. R. S. O. c. 174, s. 509 (8). (36 V. c. 48, s. 425 (8).)

When a road is substituted for an original allowance without compensation to person whose land is taken, such person if he owns land adjoining to be entitled to original road.

551. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the Council of the Municipality, upon the report in writing of its Surveyor, or of a Deputy Provincial Land Surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs.

Compensation to party whose land is taken who does not own land adjoining original road.

(2) When any such original road allowance is, in the opinion of the Council, useless to the public, and lies between lands owned by different parties, the Municipal Council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. R. S. O. c. 174, s. 510. (36 V. c. 48, s. 426.)

Possession of Unopened Road Allowances.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

552. In case a person is in possession of any part of a government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the Council having jurisdiction over the same. R. S. O. c. 174, s. 511. (36 V. c. 48, s. 427.)

Notice of By-laws for Opening such Allowances.

Notice of by-law to be given.

553. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the Council, that an application will be made for opening such allowance. R. S. O. c. 174, s. 512. (36 V. c. 48, s. 428.)

Aiding

Aiding in making Roads and Bridges.

554. The Council of any Municipality may pass by-laws for granting aid to any adjoining Municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining Municipality. R. S. O. c. 174, s. 513. (36 V. c. 48, s. 429.)

By-laws to aid adjoining municipality to open roads, etc.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

Aiding Counties in opening New Roads, Sec. 555 (1).
Joint works with other Municipalities, Sec. 555 (2).
Repair of Township Roads, how enforced, Secs. 556-564.

555. The Council of every Township, City, Town and incorporated Village may pass by-laws—

By-laws may be made for—

New Roads.

(1) For granting to the County or United Counties in which such Municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such Municipality;

Aiding counties in making roads and bridges.

Joint Works with other Municipalities.

(2) For entering into and performing any arrangement with any other Council in the same County or United Counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council; R. S. O. c. 174, s. 514. (36 V. c. 48, s. 430.)

Joint works with other municipalities.

Repair of Township Roads—how Enforced.

556. Whenever Township Councils fail to maintain Township boundary lines not assumed by the County Council, in the same way as other Township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such Councils to apply to the County Council to enforce joint action on all Township Councils interested. R. S. O. c. 174, s. 515. (36 V. c. 48, s. 431.)

Township council failing to perform their duty.

557. In cases where all the Township Councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the County Council to enforce the opening up or repair of such lines of road by the Township Councils interested. R. S. O. c. 174, s. 516. (36 V. c. 48, s. 432.)

Resident ratepayers may petition county council to enforce opening up of road.

558.

Action by county council on petition.

558. A County Council receiving such petition, either from Township Councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. R. S. O. c. 174, s. 517. (36 V. c. 48, s. 433.)

Amount, etc., to be furnished by each township.

559. The County Council may determine upon the amount which each Township Council interested shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. R. S. O. c. 174, s. 518. (36 V. c. 48, s. 434.)

Commissioners to enforce order of county council as to such roads.

560. It shall be the duty of the County Council to appoint a Commissioner or Commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the Townships interested intimate to the Council or to the Commissioner or Commissioners so appointed, their intention to execute the work themselves, then such Commissioner or Commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the Township officers, then the Commissioners shall undertake and finish it themselves. R. S. O. c. 174, s. 519. (36 V. c. 48, s. 435.)

Proviso.

Sums determined upon to be paid by townships.

561. Any sum of money so determined upon by the County Council as the portion to be paid by the respective Townships, shall be paid by the County Treasurer on the order of the Commissioner or Commissioners, and the amount retained out of any money in his hands belonging to such Township; but if there are not at any time before the striking of a County rate any such moneys belonging to such Township in the Treasurer's hands, an additional rate shall be levied by the County Council against such Township sufficient to cover such advances. R. S. O. c. 174, s. 520. (36 V. c. 48, s. 436.)

When the several townships interested cannot agree.

Wardens to be arbitrators.

562. Whenever the several Townships interested in the whole or part of any County boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such Township Councils may apply to the Wardens of the bordering Counties to determine jointly the amount which each Township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the County Judge of the County in which the Township first making the application is situate shall in all cases be the third arbitrator. R. S. O. c. 174, s. 521. (36 V. c. 48, s. 437.)

County judge also.

Meeting of wardens.

563. It shall be the duty of the Wardens of the Counties interested to meet within 21 days from the time of receiving such

such application for the determination of the matter in dispute. The Warden of the County in which the Township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the Warden of the other County and County Judge of the time and place of meeting, within 8 days of the time of his receiving such application. R. S. O. c. 174, s. 522. (36 V. c. 48, s. 438.)

Who to convene, etc.

564. At such meeting the Wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective Townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a Commissioner or Commissioners to superintend such work, and it shall be the duty of the Township Treasurer to pay the orders of such Commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such Commissioner or Commissioners in performing the statute labour unexpended. R. S. O. c. 174, s. 523. (36 V. c. 48, s. 439.)

What the wardens and county judge shall determine, etc.

Division IV.—Powers of County Councils in relation to Roads and Bridges.

Respecting the closing of Road Allowances, Sec. 565 (1).
" *The Opening and altering of Roads, Sec.* 565 (2).
" *Trees obstructing Highways, Sec.* 565 (3).
" *Double Tracks in Snow Roads, Sec.* 565 (4).
" *Aid to Townships, Sec.* 565 (5).
" *Repair of County roads in local Municipalities, Sec.* 565 (6).
" *Mineral rights on Roads. See sec.* 567.

565. The Council of every County shall have power to pass by-laws for the following purposes:—

By-laws for—

Closing Road Allowances.

(1) For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the County, which is subject to the sole jurisdiction and control of the Council, and not being within the limits of any Village, Town or City within or adjoining the County; but the by-law for this purpose shall be subject to section 546 of this Act; R. S. O. c. 174, s. 524 (1). (36 V. c. 48, s. 440 (1).)

Disposing of original allowance for roads in certain cases.

Opening and Altering Roads.

(2) For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running

Opening, etc., roads, etc., within or between several

municipalities.

running or being within one or more Townships, or between two or more Townships of the County; or any bridge required to be built or made across any river over 100 feet in width within any incorporated Village in the County connecting any public highway leading through the County, and which is in continuation of a County road, or between the County and any adjoining County or City or separated Town, or on the bounds of any Town or incorporated Village, within the boundaries of the County, as the interests of the inhabitants of the County, in the opinion of the Council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained; R. S. O. c. 174, s. 524 (2). (36 V. c. 48, s. 440 (2).) See 37 V. c. 16, s. 17.

Trees obstructing Highways.

May direct the trees to be cleared on each side of highways.

(3) For directing that, on each and either side of a highway, under the jurisdiction of the Council, passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding 25 feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the County Surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the Council may further pay such expenses out of County funds; R. S. O. c. 174, s. 524 (3). (36 V. c. 48, s. 440 (3).)

Double Tracks in Snow Roads.

Double tracks in snow roads.

R. S. O. c. 185.

(4) For providing for the making and keeping open of double tracks in snow roads, according to the provisions of "*The Act respecting Double Tracks in Snow Roads*"; R. S. O. c. 174, s. 524 (4). (36 V. c. 46, s. 1.)

Aiding Townships, etc.,

For aiding the making of roads and bridges.

Guaranteeing debentures of local municipalities.

(5) For granting to any Town, Township or incorporated Village in the County, aid by loan or otherwise towards opening or making any new road or bridge in the Town, Township or Village, in cases where the Council deems the County at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the Council in at once assuming the same as a County work, and also for guaranteeing the debentures of any Municipality within the County, as the Council may deem expedient; R. S. O. c. 174, s. 524 (5). (36 V. c. 48, s. 440 (4).)

Repair

Repair of County Roads in local Municipalities.

(6) For requiring that the whole or any part of any County road within any local Municipality shall be opened, improved and maintained by such local Municipality R. S. O. c. 174, s. 524 (6). (36 V. c. 48, s. 440 (5).) Opening roads in local municipalities.

DIVISION V.—POWERS OF TOWNSHIP COUNCILS IN RELATION TO ROADS AND BRIDGES.

Aiding Counties, Sec. 566 (1).
Closing Road Allowances, Sec. 566 (2).
Trees obstructing Highways, Sec. 566 (3).
Footpaths, Sec. 566 (4).
Sale or lease of Minerals on or under Roads. Sec. 567.
Sale of Roads in Villages and Hamlets, Secs. 568, 569.

566. The Council of every Township may pass by-laws— By-laws for—

Aiding Counties.

(1) For granting to any adjoining County aid in making opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the Township and any other Municipality, and for granting like aid to the County in which the Township lies in respect of any highway, road, street, bridge, or communication within the Township assumed by the County as a County work, or agreed to be so assumed on condition of such grant; R. S. O. c. 174, s. 525 (1). (36 V. c. 48, s. 441 (1).) Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

Closing Road Allowances.

(2) For the stopping up, leasing or sale of any original allowance for road or any part thereof within the Municipality, and for fixing and declaring therein the terms upon which the same is to be leased, sold and conveyed; Stopping up leasing or sale of original road allowance.

But no such by-law shall have any force— Proviso.

(*a*) Unless passed in accordance with section 546 of this Act, nor

(*b*) Until confirmed by a by-law of the Council of the County in which the Township is situate, at an ordinary session of the County Council, held not sooner than three months nor later than one year next after the passing thereof; R. S. O. c. 174, s. 525 (2); 44 V. c. 24, s. 17. (36 V. c. 48, s. 441 (2).)

Trees obstructing Highways.

Ordering trees to be cut down on each side of a road.

(3) For directing that, on each or either side of a highway under the jurisdiction of the Council passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding 25 feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the Overseer of Highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the Council may grant out of Township funds any money that may be necessary to pay for cutting down and removing such trees; R. S. O. c. 174, s. 525 (3). (36 V. c. 48, s. 441 (3).)

Footpaths.

Footpaths.

(4) For setting apart so much of any highway as the Council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. R. S. O. c. 174, s. 525 (4). (36 V. c. 48, s. 441 (4).)

Sale or Lease of Minerals on or under Roads.

Sale or lease of mineral rights under roads.

567. The Corporation of any Township or County, wherever minerals are found, may sell, or lease, by public auction or otherwise, the right to take minerals found upon or under any roads over which said Township or County may have jurisdiction, if considered expedient so to do.

No sale or lease till after notice.

(2) No such sale or lease shall take place until after due notice of such intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering such by-law.

Sale or lease not to interfere with public travel.

(3) The deed of conveyance or lease to the purchaser or purchasers, lessee or lessees, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. R. S. O. c. 174, s. 526; 44 V. c. 24, ss. 18-20. (36 V. c. 48, s. 442.)

Sale of Roads in Villages or Hamlets.

When roads in police villages and certain hamlets may be stopped up, sold, etc., by township council.

568. In case the Trustees of any Police Village, or 15 of the inhabitant householders of any other unincorporated Village or hamlet consisting of not less than 20 dwelling houses standing within an area of 200 acres, petition the Council of the Township in which the Village or hamlet is situate, and in case the petition of such unincorporated Village

or

or hamlet, not being a Police Village, is accompanied by a certificate from the Registrar of the County within which the Township lies, that a plan of the Village or hamlet has been duly deposited in his office according to the registry laws, the Council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the Village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. R. S. O. c. 174, s. 527. (36 V. c. 48, s. 443.)

When village is partly in each of two townships.

569. The last section shall apply to a Village or hamlet situate in two Townships, whether such Townships are in the same or different Counties, and in such case the Council of each of the Townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the Village or hamlet which, according to the registered plan, is situate within such Township. R. S. O. c. 174, s. 528. (36 V. c. 48, s. 444.)

TITLE III.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
DIV. II.—CITIES, TOWNS AND VILLAGES.
DIV. III.—COUNTIES.
DIV. IV.—TOWNSHIPS.

DIVISION I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

Local drainage by-laws, and fund for. *Secs.* 570, 571.
Complaints respecting assessments, how tried. *Sec.* 570, (10-15.)
Quashing by-laws, limitations respecting. *Secs.* 572-575.
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Who to keep in repair. *Secs.* 584-590.
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Construction of ditch on town line between two Municipalities. *Secs.* 596, 597.
Construction of works affecting several Municipalities in same County. *Secs.* 598, 599.
Construction of works affecting several Municipalities in different Counties—Procedure. *Secs.* 600–611.

Municipal councils may pass by-laws for deepening streams, etc., drainage, etc.

570. In case the majority in number of the persons, as shewn by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any Township, City, Town or incorporated Village, petition the Council for the deepening or straightening of any stream, creek, or water-course, or for draining of the property (describing it), or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or water-course, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the Council may procure an Engineer or Provincial Land Surveyor to make an examination of the stream, creek, or water-course proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such Engineer or Surveyor, and an assessment to be made by such Engineer or Surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such Engineer or Surveyor, the proportion of benefit to be derived therefrom by every road and lot, or portion of lot; and if the Council is of opinion that the proposed work, or a portion thereof, would be desirable, the Council may pass by-laws—

Examination by engineer.

Plans and estimates.

For deepening streams, etc.

(1) For providing for the proposed work, or a portion thereof, being done, as the case may be;

For borrowing requisite funds, etc.

(2) For borrowing on the credit of the Municipality the funds necessary for the work, although the same extends beyond the limits of the Municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the Municipality to the requisite amount, including the costs of arbitration, if any, in sums of not less than $100 each, and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum; 42 V. c. 31, s. 26.

Payment of interest on debentures how made.

(a) Any council issuing debentures under the provisions of this section, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section as aforesaid; 45 V. c. 26, s. 1 (3).

Levying rate for payment.

(3) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the work, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by Joint Stock

Stock Companies or private individuals), in proportion as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality;

What costs to be deemed cost of works.

(a) The cost of any arbitration held in connection with the construction of any works under this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate; 45 V. c. 26, s. 1 (2)

Proviso.

(b) Any person whose property has been assessed for such work may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; and

Proviso.

(c) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for any works under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase;

For providing how assessment be paid.

(4.) For regulating the times and manner in which the assessment shall be paid;

For ascertaining the property liable to the rate.

(5.) For determining what real property will be benefited by the works, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint by the owner or person interested in any property assessed, (whether of overcharge, or undercharge of any other property assessed, or that property which should be assessed has been wrongfully omitted to be assessed,) to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under "*The Assessment Act*;" R. S. O. c. 174, s. 529 (1-5). (36 V. c. 48, s. 447; 37 V. c. 20, s. 1; 39 V. c. 34, s. 8.)

R. S. O. c. 180, ss. 56, 57.

Mode of assessing property.

(6.) The engineer or surveyor in assessing the real property to be benefited by any works to be executed under this section, need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot; 45 V. c. 26, s. 1 (4).

How proportion of benefit may be shewn.

(7.) The proportion of benefit to be derived from any works by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road; 45 V. c. 26, s. 1 (5).

Petition for draining lands by embanking, etc.

(8.) The Council shall have the like power, and the provisions of this section shall apply in cases where the work can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the Council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section; R. S. O. c. 174, s. 529 (6). (40 V. c. 26, s. 1.)

Injury to low lying land.

(9.) In cases provided for by the next preceding sub-section, the Council may pass by-laws for assessing and defraying the annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to the provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works;

Sections 570, 626 to apply.

and all the provisions of this and the following sections to section 626 inclusive, shall be applicable, so far as possible to the draining of lands under sub-section 8 of this section;

Section 587 only to apply during the will of the Council.

except that the provisions of section 587 shall not apply to any of the works mentioned in said sub-section, except during the pleasure of the Council of the Municipality in which the works are situate; R. S. O. c. 174, s. 529 (7). (40 V. c. 26, ss. 2 and 3.)

Court of Revision to have primary jurisdiction.

(10.) Trial of such complaints shall be had in the first instance by and before the Court of Revision of the Municipality in which the lands or roads lie, which Court the Council shall, from time to time as the occasion may require, hold on some day not earlier than 20 nor later than 30 days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication;

Power of. R. S. O. c. 180, ss. 47-55.

(11.) Such Court shall be constituted in the same manner and have the same powers as Courts of Revision under "*The Assessment Act*;"

Transmission of assessment roll.

(12.) In case of any such complaint, the Clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such Municipality;

Appeal to county judge.

(13.) The appeal from the Court of Revision shall be to the Judge, or Junior or acting Judge, of the County Court of the County within which such Municipality is situate;

Powers of judge on appeal.

(14.) In case of appeal to the Judge, Junior or acting Judge of the County Court, he shall have the same powers and duties and the Clerk of the Municipality shall have the same powers and

and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under "*The Assessment Act.*" R. S. O. c. 180, ss. 59-65.

(15.) In case, on any such complaint or appeal, the assessment is varied in respect of the property which is the subject of the complaint or appeal, the Court or Judge, as the case may be, shall vary *pro rata* the assessment of the said property, and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision shall return the roll to the Municipal Clerk from whom it was received, and the Assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision; R. S. O. c. 174, s. 529 (8-13). (36 V. c. 48, s. 447; 40 V. c. 8, s. 57.) Variations in assessment on complaint or appeal.

(16.) The provisions of this section shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under any provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them, provided that the stream, lake, or pond is, for the purposes hereof, within the jurisdiction of this Legislature. 45 V. c. 26, s. 1 (1), *part.* Works to which this section applies.

571. Such by-law shall, *mutatis mutandis,* be in the form or to the effect following: Form of by-law.

A BY-LAW to provide for draining parts of (*or*, for the deepening of in, *or as the case may be*) the Township of , and for borrowing, on the credit of the Municipality, the sum of for completing the same.

Provisionally adopted the day of , A.D.

Whereas a majority in number of the owners, as shewn by the last revised assessment roll, of the property hereinafter set forth to be benefited by the drainage (*or* deepening, *or as the case may be*), have petitioned the Council of the said Township of , praying that (*here set out the purport of the petition, describing generally the property to be benefited.*)

And whereas, thereupon the said Council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (*or* the said stream, creek, or water-course proposed to be deepened, *or as the case may be*), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (*or* deepening, *or as the case may be*), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (*or* deepening, *or as the case may be*), by every road and lot or portion of lot, the said assessment so made, and the report of the said in respect thereof, and of the said drainage (*or* deepening, *or as the case may be*), being as follows: (*here set out the report and assessment of the Engineer or Surveyor employed.*)

And whereas, the said Council are of opinion that the drainage of the locality described (*or* the deepening of such stream, creek or water-course, *or as the case may be*) is desirable: Be

Be it therefore enacted by the said Municipal Council of the said Township of , pursuant to the provisions of "The Consolidated Municipal Act, 1883."

1st. That the said report, plans and estimates be adopted, and the said drain (*or* deepening, *or as the case may be*) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of the sum of , being the funds necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than $100 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say, in (*insert the manner of payment, whether in annual payments or otherwise*), such debentures to be payable at , and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of $475, being the amount charged against the said lands so to be benefited as aforesaid, other than lands (*or* roads, *or* lands and roads) belonging to the Municipality, and to cover interest thereon for (*ten*) years, at the rate of (*five*) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
			$ cts.			
10	5	200	75 00			
"	S. ½ 6	100	50 00			
"	N. ¼ 6	50	30 00			
"	S. W. ¼ 8	100	80 00			
"	9	200	150 00			
"	S. ½ and N. ¼ 10	150	90 00			
			475 00			
Chargeable to Municipality for roads (*or* lands, *or* roads and lands).....			120 00			
			595 00			

4th. For the purpose of paying the sum of $120, being the total amount assessed as aforesaid against the said roads (*or* lands, *or* roads and lands) of the said Municipality, and to cover interest thereon for (*ten*) years at the rate of (*five*) per cent. per annum, a special rate of in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of in each year for the period of years, after the date of the final passing of this by-law, during which the said debentures have to run.

Amendment of by-law.

(2) In the event of the assessment being altered by the Court of Revision or Judge, the by-law shall, before being finally passed,

passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be). R. S. O. c. 174, s. 530. (36 V. c. 48, s. 448.)

Publication of drainage by-laws.

572. Before the final passing of the by-law it shall be published once, or oftener, in every week for four weeks in such newspaper published either within the Municipality or in the County Town, or in a public newspaper published in an adjoining local Municipality, as the Council may designate by resolution, together with a notice that any one intending to apply to have such by-law or any part thereof quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to the High Court of Justice, at Toronto, during the sittings next ensuing the final passing of the by-law. 42 V. c. 31, s. 27. See Judicature Act, (44 V. c. 5) Rule 480.

By-law may be served on property owners, instead of published.

(2) The said council may, at their option, instead of such publication in a newspaper, direct by resolution that a copy of the by-law and notice, written or printed, or partly written and partly printed, be served upon each of the several owners, their lessees or occupants, or upon the agent or agents of such owners, or be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents do not reside within the Municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of such by-law and notice, and the said by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making such service or services, and the manner in which the same were effected. 44 V. c. 24, s. 21. *See* sec. 618.

If no application to quash made in time specified, by-law to be valid, notwithstanding defects.

573. In case no such intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if such notice is served, then in case such application is not made or is unsuccessful the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

(2) Where such application is made and is successful in part so much of the by-law as is not quashed upon such application shall be valid, notwithstanding any want of substance or form aforesaid. *New.*

Power to amend by-law when no sufficient means provided for completion of the work.

574. In case any by-law already passed, or which may be hereafter passed by the Council of any Municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does

does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said Council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded. R. S. O. c. 174, s. 532 (2). (37 V. c. 20, s. 2; 40 V. c. 7, *Sched.* A (183).)

Provisions respecting by-laws passed under the preceding sub-section.

(2) Where any by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 572 of this Act, or in case of a City, Town or incorporated Village, has been or shall be notified in the manner required by section 618, section 573 shall apply to such by-law, and any by-law passed under the said preceding sub-section need not be published unless the council sees fit; and the provisions of "*The Ontario Municipal Drainage Aid Act*" shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council. 43 V. c. 24, s. 23.

R. S. O c. 34.

When debentures not invalid though not in accordance with by-law.

575. No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. R. S. O. c. 174, s. 533. (37 V. c. 20, s. 3.)

When work may be extended beyond limits of municipality.

576. Wherever it is necessary to continue the works aforesaid beyond the limits of any Municipality, the Engineer or Surveyor employed by the Council of such Municipality may continue the survey and levels into the adjoining Municipality, until he finds fall enough to carry the water beyond the limits of the Municipality in which the work was commenced. R. S. O. c. 174, s. 534. (36 V. c. 48, s. 451.)

When lands, etc., in adjoining municipality may be charged though works not carried into such municipality.

577. Where the works do not extend beyond the limits of the Municipality in which they are commenced, but, in the opinion of the Engineer or Surveyor aforesaid, benefit lands in an adjoining Municipality, or greatly improve any road lying within any Municipality or between two or more Municipalities, then the Engineer or surveyor aforesaid shall charge the lands to be so benefited, and the Corporation, person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such Municipality or company. R. S. O. c. 174, s. 535. (36 V. c. 48, s. 452.)

Report as to which municipality to bear expense.

578. The Engineer or Surveyor aforesaid shall determine and report to the Council by which he was employed, whether the works shall be constructed and maintained solely at the expense of such Municipality, or whether it shall be constructed and maintained at the expense of both Municipalities, and in what proportion. R. S. O. c. 174, s. 536. (36 V. c. 48, s. 453.)

Plans, etc.

579. The Engineer or surveyor aforesaid, where necessary, shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein. R. S. O. c. 174, s. 537. (36 V. c. 48, s. 454.)

Council of municipality wherein work is to be begun to notify municipality to be benefited.

580. The council of the Municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the Municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the Engineer or Surveyor aforesaid; and unless the same is appealed from as hereinafter provided it shall be binding on the council of such Municipality. *New.*

Municipality so notified required to raise necessary amounts.

581. The Council of such last mentioned Municipality shall within four months from the delivery to the head of the corporation of the report of the Engineer or Surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators, in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 570 of this Act. R. S. O. c. 174, s. 539. (36 V. c. 48, s. 456.)

But such municipality may appeal.

582. The Council of the Municipality into which the work is to be continued, or whose lands, road or roads are to be benefited without the work being carried within its limits, may, within 20 days from the day in which the report was served on the head of the Municipality, appeal therefrom; in which case they shall serve the head of the Corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an Engineer or other person as their arbitrator, and shall call upon such Corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice. R. S. O. c. 174, s. 540. (36 V. c. 48, s. 457.)

Proceedings thereon.

(2) When it is proposed to continue the deepening or drainage from the Municipality in which the same is to be commenced into another Municipality, and when through misapprehension or mistake the Council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within 20 days, or has, when service thereof has been made since the

the passing of the twenty-sixth chapter of the Acts passed in the forty-fifth year of Her Majesty's reign, through misapprehension or mistake omitted to appeal therefrom within the said time, the Judge of the County in which the Municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said 20 days have elapsed, by order grant permission to appeal upon such terms and conditions as to costs and otherwise, as he deems just and reasonable within a time to be limited by him in the order; or the other Council or Councils interested may by resolution waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

(3) The summons to shew cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the Council or Councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper, by reason of the appeal or the result thereof.

(4) Where the omission to appeal has occurred as aforesaid since the passing of the said twenty-sixth chapter in the forty-fifth year of Her Majesty's reign, the Municipality served shall, with the permission of the judge, be entitled to appeal within 60 days from the passing of this Act; provided such contract has not been let, or work commenced, or debentures issued, as aforesaid, at the time of the passing hereof.

Arbitrators shall be appointed, etc.

583. The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act with reference to arbitration, and shall proceed as therein directed; but in no case shall the Engineer or Surveyor employed to make surveys, plans and specifications, nor any ratepayer or person interested in the construction of any such works be appointed or act as arbitrator. R. S. O. c. 174, s. 541; 42 V. c. 31, s. 28. (36 V. c. 48, s. 458.)

Each municipality to contribute to maintaining the work in proportions fixed by engineer.

584. After such work is fully made and completed, it shall be the duty of each Municipality, in the proportion determined by the Engineer or arbitrators *(as the case may be)*, or until otherwise determined by the Engineer or arbitrators, under the same formalities, as nearly as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the Municipality, or parties more immediately interested, or at the joint expense of such parties and the Municipality, as to the Council upon the report of the Engineer or Surveyor may seem just.

(2) Any such Municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compellable by *mandamus*, to be issued by any Court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason of such neglect or refusal. R. S. O. c. 174, s. 542. (36 V. c. 48. s. 459.)

Provisions for case of neglect, etc.

Liability for damage.

585. After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor Municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto. 45 V. c. 26, s. 5.

Duty of minor municipalities as to repairing works.

586. In any case wherein the better to maintain any drain constructed under the provisions of the "*Ontario Drainage Act of* 1873," or of the Revised Statute respecting the expenditure of public money for drainage works, or to prevent damage to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve or alter the drain, the Council of the Municipality, or of any of the Municipalities whose duty it is to preserve and maintain the said drain, may, on the report of an engineer appointed by them to examine and report on such drain, undertake and complete the alterations and improvements specified in the report under the provisions of sections 570 to 583 inclusive without the petition required by section 570. 45 V. c. 26, s. 17.

Power to change course of drain, make new outlet, etc.

587. In any case wherein after such work is fully made and completed, the same has not been continued into any other Municipality than that in which the same was commenced, or wherein the lands or roads of any such other Municipality are not benefited by such work, it shall be the duty of the Municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed.

Works not extended beyond municipality commencing same etc., or which do not benefit any other municipality, to be maintained by municipality commencing same.

(2) In any case where similar work has been constructed out of the general funds of the Municipality previous to the tenth day of February, 1876, the Council may without petition, on the report of an Engineer or Surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such work and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to works made and completed under the provisions of this Act.

When work prior to 10th Feb., 1876, has been paid for out of funds of municipality repair may be charged on property benefited.

(3)

Assessment may be changed.

(3) The Council may, from time to time, change such assessment on the report of an Engineer or Surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as the persons charged would have in the case of an original assessment. R. S. O. c. 174, s. 543. (36 V. c. 48, s. 460; 39 V. c. 34, s. 7.)

Drains to be kept free from obstructions.

588. In the event of any ditch, drain, creek or water-course that has been constructed or opened up under the provisions of "*The Ontario Drainage Act*," or any of the amendments thereto, or under the provisions of this Act respecting drainage to be paid by local rate, becomes obstructed, so as the free flow of the water is impeded thereby, if the aforementioned obstructions have been wilfully placed in such ditch, drain, creek, or water-course, by any party or parties through whose land, or between whose lands, such ditch, drain, creek, or water-course is situate, the party or parties causing the same shall, upon notification by the Council of the Municipality in writing, remove such obstructions, and if not so removed within the time specified, the council shall, without further delay, have the same removed at the cost of the said party or parties.

(2) If such cost is not paid by the party or parties to the person performing the same when the work is completed, the council shall pay the amount to the party performing the work; and the clerk of the Municipality shall place such amount upon the Collector's Roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the County in which the lands are situate, in the same manner as is provided by section twelve of chapter 199 of the Revised Statutes of Ontario. *New.*

Power to borrow funds for repairs to drainage works.

589. Where the repairs, required to be made under either section 584 or section 587, are so extensive that the Municipal Council does not deem it expedient to levy the cost thereof in one year, the said council may pass a by-law to borrow upon the debentures of the Municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

(2) The provisions of "*The Ontario Municipal Drainage Aid Act*" shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed, was published or notified in the manner provided by section 572 of this Act, or, after it was passed, was promulgated in the manner authorized by section 331 of this Act. *New.*

Case of drain used by another municipality.

590. If a drain already constructed, or hereafter constructed by a Municipality, is used as an outlet by another Municipality, Company or individual, or if any Municipality, Company or individual, by any means cause waters to flow upon and injure the lands of another Municipality, Company or individual, the Municipality, Company or individual using such drain as an outlet or otherwise, or causing waters to flow upon and injure such lands, may be assessed in such proportion and amount as may be ascertained by the engineer, surveyor, or arbitrators, under the formalities provided in the foregoing sections, for the construction and maintenance of such drain so used as an outlet as aforesaid; or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow upon and injure the same. 44 V. c. 24, s. 22.

Disputes as to damage done by works to be referred to arbitration.

591. If any dispute arises between individuals, or between individuals and a Municipality or Company, or between a Company and Municipality, or between Municipalities, as to damages alleged to have been done to the property of any Municipality, individual or Company, in the construction of drainage works, or consequent thereon, then the Municipality, Company or individual complaining may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties. R. S. O. c. 174, s. 545. (36 V. c. 48, s. 462.)

Damages caused by drainage to be charged on land liable for cost of drainage.

592. Where, on account of proceedings taken under this Act, damages are recovered against the corporation or parties constructing the drainage works beyond the amounts which have been taken into consideration in estimating the cost of such works, the lands liable to assessment for such drain shall be charged with the amount so recovered on account of such drainage works, *pro rata*, according to their assessment, and the Council of each Township shall pass such by-laws as may be necessary for levying the same, with interest, against the lands within such Township liable thereto, either in one or more annual instalments, as the Council may deem expedient; and if the Council considers it advisable to spread such amount over several years, such Council may pass by-laws for issuing debentures in order to raise the necessary moneys to pay the said damages. 45 V. c. 26, s. 4.

Drains into adjoining lots or across highways.

593. In case any person finds it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the Council of the Municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any

any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or Municipality, the same shall be determined by the fence-viewers in the same manner as disputes within "*The Line Fences Act*," excepting as to the amount of such award, which shall be finally decided by the fence-viewers, and their award shall be final. R. S. O. c. 174, s. 546. (37 V. c. 16, s. 20.)

R. S. O. c. 198.

Power to contract to spread earth, etc., on making ditch for drainage.

594. Where, under the provisions of sections 570 to 626, both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made, by the Municipal Council so constructing, for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it. R. S. O. c. 174, s. 547. (39 V. c. 34, s. 3.)

Payment by municipality.

595. The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the Engineer or Provincial Land Surveyor may deem just and proper, shall be charged to the Municipality and paid out of its general funds. R. S. O. c. 174, s. 548. (39 V. c. 34, s. 4.)

Construction of ditch on town line between municipalities.

596. Where it is necessary to construct such a ditch along a town line between two or more Municipalities, the Municipal Council of either of the adjoining Municipalities may, on petition, as provided for in section 570 of this Act, cause the ditch to be constructed on either side of the road allowance between the Municipalities, and make the road in manner as provided in the two preceding sections of this Act, and shall charge the lands and roads benefited in the adjoining Municipality or Municipalities with such proportion of the cost of constructing the said ditch as the Engineer or Surveyor aforesaid deems just and proper; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such Municipality or Municipalities. R. S. O. c. 174, s. 549. (39 V. c. 34, s. 5.)

Secs. 570-626 to apply.

597. The provisions of sections 570 to 626, both inclusive, of this Act, shall apply, as far as applicable, to any such ditch. R. S. O. c. 174, s. 550. (39 V. c. 34, s. 6.)

Where more than one municipality in same County, affected county council may pass by-law.

598. Where any works proposed to be constructed in any locality under section 570 affect more than one Municipality, either on account of such works passing, or partly passing, through two or more Municipalities, or on account of the lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more Townships, the County

County Council of the County to which such Municipalities belong, upon the application of the Council of any of the Municipalities affected, and without any preliminary petition from the owners of the property to be benefited may pass by-laws for the purposes authorized by the said section.

Sections 570-575, 577 and 591 to apply to work under this section.

(2) Unless where contrary to this Act, the provisions of sections 570, 571, 572, 573, 574, 575, 577 and 591 shall apply to any works constructed under this section; but the Court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the County Council for that purpose, who may or may not be members of the Council, as the Council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such Court may proceed and adjudicate upon any complaints, notwithstanding the absence of one or more of the members of the Court. The Engineer or Surveyor who made the assessment shall not be a member of the Court of Revision.

Where court for trial of complaints shall sit.

(3) The sittings of such Court shall be held in the County Town, or in such other place or places as the County Council or the majority of the said Court may name. All complaints against the assessment shall be lodged with the Clerk of the County. 45 V. c. 26, s. 2.

County to raise necessary funds, but townships to be liable for same.

599. The County shall raise the money necessary for the construction of the said works, but each Township shall be liable to the County for the amount payable in respect of all the lands within such Township, and each Township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction. 45 V. c. 26, s. 3.

Construction of works in several counties.

600. In case the Municipalities upon which the cost of the works would fall are in several Counties, any of the Counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work and estimates to be made of the cost thereof, including an estimate of the amount to be paid for damages, if any, and an assessment to be made by such engineer or Provincial land surveyor of the real property to be benefited, stating, as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot.

Municipality may agree to indemnify county.

(2) Any Municipality may agree to indemnify the county, in respect of the expenses incurred in the case of the works not being proceeded with. 45 V. 26, s. 6.

If work approved by council report to be pub-

601. The council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall

lished, and copies of plans, etc., served on warden of each county.

shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in such of the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected. 45 V. c. 26, s. 7.

When votes of persons assessed to be taken.

602. In case ten of the owners of the property assessed, within ten days of the first publication of the said report in a newspaper published in the county town of the county the council of which procured the examination to be made, petition such council not to proceed with the work, such council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of 21 years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required, take the oath or affirmation following: 45 V. c. 26, s. 8 (1):

Proviso.

Form of oath.

You swear that you are of the full age of 21 years, and a natural born (*or* naturalized) subject of Her Majesty.

That you have not voted before in the township on the question now being voted upon.

That you are the owner *(or as the case may be)* of the lands in respect of which you claim to vote, namely *(here mention the lands)*.

That you are, according to law, entitled to vote on the said question.

That you have not directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender.

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

That you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting.

So help you God. 45 V. c. 26, Schedule.

Deputy returning officer and proceedings at poll.

(2) The Clerk of each Municipality shall act as deputy returning officer at the polling place in such Municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law; 45 V. c. 28, s. 8 (2).

Who to be returning officer.

(3) The clerk of the county council which passed the by-law shall act as returning officer. 45 V. c. 26, s. 8 (3).

Service of "requisition of appeal,"

603. If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote

vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the council or councils of the county or counties upon which two-thirds of the cost of such work fall shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such council that if dissatisfied with such assessment they must, within 30 days from the receipt of such notice by their warden, appeal therefrom. and effect thereof.

(2) If the council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the High Court of Justice, or any judge thereof, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight or misadventure, may upon such terms, as to the said court or judge seem just, relieve them, and permit them to appoint an arbitrator. Time within which notice of appeal to be served. Proviso.

(3) In case a council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within 30 days of the receipt of the requisition by their warden, serve the warden of the County from which they received the requisition with a written notice of appeal, and shall also serve each of the other counties affected with a like notice. Parties on whom notice of appeal to be served.

(4) Such notice shall state the grounds of appeal, the name of an arbitrator appointed by such council, and shall call upon the council served to appoint an arbitrator on their behalf within ten days after service of such notice. Particulars which notice is to contain.

(5) In default of an appointment, within the said term, the judge of the county court of the county in default shall appoint an arbitrator for such county. Appointment of arbitrator by county judge.

(6) Neither the engineer or surveyor, who made the assessment nor any officer or member of any council concerned, shall be appointed an arbitrator. Who may not be arbitrators.

(7) In case, after such council has appointed an arbitrator, there is an even number of arbitrators, such arbitrators shall select an additional arbitrator, or in case of such arbitrators not agreeing in such selection within 30 days after the completion of their number, the Lieutenant-Governor in Council may appoint such additional arbitrator. 45 V. c. 26, s. 9. Provision in case there is an even number of arbitrators.

Arbitrators to apportion cost of work.

604. The arbitrators shall, by their award, determine the proportion of the cost of such work that is to be borne by each of the minor Municipalities whose lands are affected thereby. 45 V. c, 26, s. 10.

Decision of majority to be binding.

605. In case of a difference between the arbitrators, the decision of the majority shall be conclusive, and the arbitrators shall make their award in so many parts as may be necessary to permit of one thereof being filed with the clerk of each of the counties interested, and one shall be filed with the clerk of each such county accordingly. 45 V. c. 26, s. 11.

Application to High Court of Justice when arbitrators unable to agree.

606. In case a majority of the arbitrators are unable within six months of their appointment, to agree, or in case, prior to the expiration of the said term they by an instrument in writing, signed by the majority of them, declare their inability to agree upon a complete award, any of the counties interested may apply to a judge of the High Court of Justice to appoint an umpire, and the said umpire may make an award upon hearing the points in difference between the arbitrators stated by them, or may, if he deems necessary, re-hear the entire case, or such particular parts thereof as he considers requisite. 45 V. c. 26, s. 12.

Right of minor municipalities interested to appear on arbitration.

607. Any of the minor Municipalities interested may appear by their head, or by their counsel or agent, before the arbitrators in support of the assessment, or of any variations which they contend should be made in the proportions in which the minor Municipalities are assessed. 45 V. c. 26, s. 13.

Where several counties interested by-laws for assessment not to be passed pending appeal.

608. In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained there is not to be an appeal, or until after the award is made, where an appeal is had. 45 V. c. 26, s. 14.

After award made, or after time for appeal expired, each county to pass by-law for raising sum required.

609. Immediately upon an award being made, or, in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon the real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested. 45 V. c. 26, s. 15.

Application of ss. 585, 592, 598 and 599.

610. The second and third sub-sections of section 598 and sections 599, 592 and 585 shall apply to drainage works in which

which several counties are interested, as well as to works which only affect one county. 45 V. c. 26, s. 16.

Powers of municipalities to be subject to 45 V. c 21.

611. In case any of the drainage works hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the municipal councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in "*The Railway, Streets and Drains Act, 1882.*" 45 V. c. 26, s. 19.

Division II.—Local Improvements in Cities, Towns and Villages.

Local Improvements. Secs. 612–623.
Sweeping, Watering and Lighting Streets. Sec. 624.

Councils may make by-laws for—

612. The Council of every City, Town, and incorporated Village may pass by-laws for the following purposes:

Ascertaining the real property to be benefited by a local improvement, etc.

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; subject in every case to an appeal to the Judge of the County Court, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment; R. S. O. c. 174, s. 551 (1). (36 V. c. 48, s. 464 (1).)

Appeal.

Assessing and levying upon real property benefited the cost of certain public works.

(2) For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or water course, and draining any locality, or making, enlarging or prolonging any common sewer, or opening, widening, prolonging, or altering macadamizing, grading, levelling, paving, or planking any street, lane, alley, public way or place, or any sidewalk, or any bridge forming part of a highway therein, or curbing, sodding, or planting any street, lane, alley, square, or other public place, or reconstructing, as well as constructing any work hereby provided for; R. S. O. c. 174, s. 551 (2); 43 V. c. 27, s. 10 (1). (36 V. c. 48, s. 464 (2).)

Preceding sub-sections not to apply to certain works.

(3) Nothing contained in the preceding sub-sections shall be construed to apply to any work of ordinary repair or maintenance; but all works constructed under the said preceding sub-sections shall thereafter be kept in a good and sufficient state of repair at the expense of the City, Town, or Village generally; R. S. O. c. 174, s. 554. (36 V. c. 48, s. 467.)

Rate to be assessed on frontage.

(4) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made, subject to the provisions following, namely :

(*a*) Unless the majority of the owners of such real property, representing at least one half in value thereof, petition the council against such assessment, within one month after the last publication of a notice of such proposed assessment, in at least two newspapers published in such City, Town, or incorporated Village, if there are two newspapers published therein ; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks ;

(*b*) In the event of any such petition against any such proposed assessment, sufficiently signed, being presented to the council, no second notice of assessment for the same proposed improvement shall be given by the Council within two years thereafter ; 45 V. c. 23, s. 4.

(*c*) The number of the owners petitioning against the assessment and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf. R. S. O. c. 174, s. 552, *part* ;

Provision in case of insufficient or excessive assessment.

(5) If in any case, the first assessment for any local improvement proves insufficient, the Council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid ; 43 V. c. 27, s. 10 (2).)

Regulating time and manner of levying assessments, etc.

(6) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums ; R. S. O. c. 174, s. 551_{2}^{a}(3). (36 V. c. 48, s. 464 (3).)

If funds furnished by parties.

(7) For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected ; R. S. O. c. 174, s. 551 (4). (36 V. c. 48, s. 464 (4).)

Conditions as to sewers.

(8) If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall before the work is undertaken, be provided for by the Council, by by-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise. R. S. O. c. 174, s. 552, *part*. (36 V. c. 48, s. 465.)

Assessment of corner lots, etc., for local improvements.

613. The Council of every City, Town, and incorporated Village may by by-law provide an equitable mode of assessing for local improvements works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance, made on any such lot or piece of land, on the other real property fronting on the improvements or assume the same as a portion of the Municipality's share of the work or improvements; the said matters to be subject to appeal to the County Court Judge as already provided. *New.*

How proportion of cost of local improvements is to be determined in special cases.

614. Where the lands on either side of a street, lane, or alley in a City, Town, or incorporated Village, in the opinion of the Council, are from any cause unfit for building purposes, and the Council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the Council shall in all such cases determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. *New.*

Provision respecting cost of bridges and culverts.

615. Wherever in places wholly within a City, Town or incorporated Village, it shall, in the opinion of the Council, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane, or alley, for the more immediate convenience or benefit of any particular locality, and the Council is of opinion that from any cause it is inequitable to charge the whole cost of such construction or repairs on the lands fronting thereon, the Council shall determine what lands are benefited by such construction or repairs, and the proportion in which the cost thereof shall be assessed against the lands so benefited. The assessments made under this and the preceding section shall be subject to an appeal to the Judge of the County Court in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision, in the case of an ordinary assessment. *New.*

Council may permit owners to build or improve sidewalks in front of their lands.

616. The Council may permit the owner or owners to build or improve the sidewalk in front of his or their lands, and any street, lane or alley within a City, Town, or incorporated Village, under the direction of the Council or an officer thereof appointed for that purpose, and according to such plans and regulations, as the Council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the Council. *New.*

617.

Power to borrow funds for local improvements.

617. For the purpose of enabling Councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank or banks, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

Time for repayment of loans.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the Engineer or other proper officer to be appointed by the Council for that purpose.

Where special assessments are irregular, new assessments may be made.

(3) If in any case any debt has been incurred by the Municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, be set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the said Council, and they are hereby authorized to cause a new assessment or assessments to be made, and to pass a new by-law or by-laws so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

(*a*) Either on the report of the Engineer or other sanitary officer and of a committee of the Council recommending the proposed work or improvement for sanitary or drainage purposes adopted by the Council; or

(*b*) On a petition of the owners of the real property benefited, sufficiently signed; or

(*c*) After due notice as above provided of the proposed assessment, and no petition of the owners of the real property benefited against the proposed assessment, sufficiently signed, being presented to the Council within the time limited therefor.

Property charged with local improve-

(4) Any real property specially assessed by any Council for any local improvement or work under this Act, and real property

perty where such improvement or work has been done with moneys provided by the owners of such real property, and real property the owners of which have constructed their own works and improvements which would otherwise have been constructed by the Municipality as local improvements, shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of works and improvements opposite real property which is exempt from such special assessments and the general rate which may be imposed to meet the cost of maintenance and repairs on works and improvements constructed under local improvement by-laws. *New.*

ments to be exempt from general rates for same purposes.

618. No by-law passed by the Council of any City, Town, or incorporated Village, under the provisions of sections 570, 571, or 612 of this Act, shall require to be advertised or published by the said Council in any newspaper, but a written or printed or partly written and partly printed notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees and occupants or the agents of the owners, lessees and occupants, of each parcel of real estate included in such by-laws and assessment.

By-laws need not be advertised, but notice of the sitting of the court of revision shall be served on owners, lessees etc.

(2) Each such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the Clerk, or the Assessment Commissioner, or other officer to be appointed by the Council for the purpose, and be mailed to the owner's address, at least fifteen days before the day appointed for the sittings of the said court, and ten days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is to be for and the total amount to be assessed. 42 V. c. 31, s. 21.

619. Any real property specially assessed by any Council for any local improvement or work under this Act, shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment; 45 V. c. 23, s. 5, *part*; 43 V. c. 27, s. 11 (1), *part.*

Property specially assessed to be exempt from general assessment for same purpose.

(2) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the

the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the Council.

(3) Or if, either with or without naming any period for such exemption the petition requests an arbitration the Council may accede to the proposal for an arbitration.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the County Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the Council.

(5) Wherever, by reason of a special assessment, the owners are exempted from a general rate for the like purpose, as aforesaid, the Council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the Municipality, and shall state the same in such manner as may give effect to this section.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the Municipality. 43 V. c. 27, s. 11.

By-laws directing improvements to be made by local assessment.

620. The Council of any City, Town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the Municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 612 and 624, shall be by special assessment on the property benefited, and not exempt by law from assessment.

Repeal of by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time the exemption is to cease is to be determined in each or any case by arbitration, and the arbitrator is to be appointed by the County Judge, on the application of the Council. 43 V. c. 27, s. 12.

Assessment of places of worship for local improvements.

621. With respect to land on which a place of worship is erected and land used in connection therewith the Municipal Council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons in whom is vested any

any such property, and the said property to be assessed for any local improvement in the same manner and to the same extent as the other owners and land benefited by the improvement, in the following cases, namely:

(*a*) In case a by-law is passed under the preceding section;

(*b*) Or in case no such by-law is passed, but two-thirds of the owners of the real property to be benefited by the proposed improvement (excluding such corporation, trustees, or other persons aforesaid), representing at least one half in value of the remaining property, petition the Council to undertake the said improvement;

(*c*) Or in case no such by-law is passed as aforesaid, but the said corporation, trustees or other persons, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the said corporation, trustees, or other persons), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition the Council for the said improvement. *See* 43 V. c. 27, s. 13.

Certain part of improvements may be charged on general rates.

622. In case of a special assessment on property benefited by local improvement, the Council of the Municipality (if they think fit) may by by-law provide for constructing, at the expense of the general funds of the Municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment; and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said Council may seem best, and subject to such by-laws as the Council may pass in that behalf. 43 V. c. 27, s. 14.

Provisions as to "Local Improvement Debentures."

(2) The by-law authorizing the issue of such debentures need not be submitted for the assent of the electors of the Municipality; and the debentures being issued to pay for that part of the work payable by local assessment may, if the Council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the Municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This sub-section shall be deemed declaratory of the law on and from the fifth day of March, 1880. *New.*

Assent of electors not required to by-laws for raising Municipality's share of cost of local improvements.

623. The Council of any City, Town, or incorporated Village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works on the credit of such City, Town, or incorporated Village at large; and it shall not be necessary to

to obtain the assent of the electors of such City, Town, or Village to the passing of any such by-law under the provisions of this Act any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such City, Town, or Village beyond the limits thereof fixed by any Act limiting the same.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such Municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the City, Town, or incorporated Village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the Municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. *New.*

Sweeping, Lighting and Watering Streets.

Sweeping, lighting and watering streets.

624 The Council of every City, Town and incorporated Village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein according to the frontage thereof; but the Council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid.

(2) The Council may also, by by-law, define certain areas or sections within the Municipality in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in watering, sweeping or lighting such streets. R. S. O. c. 174, s. 555. (36 V. c. 48, s. 468; 37 V. c. 16, s. 21.)

DIVISION III.—COUNTY BY-LAWS FOR ROAD IMPROVEMENTS.

Special rates by County Councils for local improvements in Townships. Secs. 625–627.

Special rates for local improvements.

625. The Council of every County shall have power to pass by-laws for levying by assessment on all ratable property within any particular part of one or parts of two Townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making

making, repairing or improving any road, bridge, or other public work, lying within one Township or between parts of such two Townships, and by which the inhabitants of such parts will be more specially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any Town or incorporated Village. R. S. O. c. 174, s. 557. (36 V. c. 48, s. 469.)

Proceedings to obtain by-law for such improvements.

626. No by-law under the last preceding section shall be passed, except—

(1) Upon a petition signed by at least two-thirds of the electors who are rated for at least one-half of the value of the property within those parts of such Township which are to be affected by the by-law; nor

Notice to be posted up, and published for three weeks.

(2) Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the Township, and at the places for holding the sittings of the Council of each Township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the County Town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. R. S. O. c. 174, s. 558. (36 V. c. 48, s. 470.)

Power to pass, by-laws acquiring roads, etc. lying within one or more townships, etc., and to levy special rate for improvement thereof.

627. A County Council may, by by-law, assume or acquire any road, bridge or other public work, lying within one or more Townships or incorporated Towns or Villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the Municipalities which shall be immediately benefited by such road, bridge or public work.

Particulars which are to be stated in the by-law.

(2) Such by-law shall state the amount to be raised for such work, and shall define the Municipalities forming the portion of the County Municipality to be affected by said by-law, and the portion of work to be performed in each Municipality, and shall provide for the raising of the said amount by the issue of debentures of the County, payable in 20 years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the ratable property, lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

By-law to be submitted to electors in portion of county interested.

(3) Such by-law shall, if approved by a majority of the representatives in the County Council of the Municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of said County to be affected by said by-law who are entitled to vote on money by-laws.

(4)

By-law only to apply to those municipalities in which it has a majority of votes.

(4) In case there should be a majority of votes cast against the said by-law in any one or more of the Municipalities mentioned therein, although the said by-law be carried, then the same shall only apply to those Municipalities in which it has received a majority of the votes cast, and shall not affect the other Municipalities mentioned in any way, and the amount of money mentioned in said by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said Municipality or Municipalities, giving a majority of votes against the said by-law, would have been required to pay under said by-law.

By-law, if carried in some municipalities only, may be passed or dropped.

(5) In case there should be a majority of votes cast against the said by-law in any one or more Municipalities mentioned therein, although the said by-law be carried, then upon the approval of the majority of the representatives in the County Council of the Municipalities which have given a majority of votes in favour of the said by-law, the same may be read a third time and passed by the County Council, or dropped altogether; but in case the said by-law is finally passed, only the representatives in the County Council of those Municipalities giving a majority in favour of the said by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

General provisions to apply to voting, etc.

(6) In all other respects the voting on such by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act. 45 V. c. 23, s. 14.

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

Aiding railways by taking stock, etc. *Sec.* 628.
When head of Council to be a Director ex-officio. *Sec.* 629.
Townships may permit Railways to be constructed on highways, etc. *Sec.* 630.
Grouping clauses repealed. *Sec.* 631.

By-laws may be made for—

628. The Council of every Township, County, City, Town and incorporated Village may pass by-laws—

Taking stock in certain railways or guaranteeing debentures.
14, 15 V. c. 61, s. 18.
C. S. C. c. 66, ss. 75-78.
R. S. O. c. 165, s. 31.

(1) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated Railway Company to which the eighteenth section of the statute fourteen and fifteen Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of "*The Railway Act of Ontario*," have been or may be made applicable by any special Act. R. S O. c. 174, s. 559 (1). (36 V. c. 48, s. 471 (1).)

(2)

(2) For endorsing or guaranteeing the payment of any debenture to be issued by the Company for the money by them borrowed, and for assessing and levying from time to time, upon the whole ratable property of the Municipality, a sufficient sum to discharge the debt or engagement so contracted; R. S. O. c. 174, s. 559 (2); 36 V. c. 48, s. 471 (2).) For guaranteeing the payment of debentures, etc.

(3) For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than $20, and bearing or not bearing interest as the Municipal Council thinks meet; R. S. O. c. 174, s. 559 (3); (36 V. c. 48, s. 471 (3).) For issuing debentures, etc.

(4) For granting bonuses to any Railway Company in aid of such Railway, and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses; R. S. O. c. 174, s. 559 (4); (36 V. c. 48, s. 471 (4).) Bonuses.

(5) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively; Form of debenture.

But no Municipal Corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof receives the assent of the electors of the Municipality in manner provided by this Act; R. S. O. c. 174, s. 559 (5). (36 V. c. 48, s. 471 (5);) *See also R. S.* O. c. 165, s. 31 (3), and sec. 322 *ante.* Assent of electors necessary.

629. In case any Municipal Council subscribes for and holds stock in a Railway Company under section 628 to the amount of $20,000 or upwards, the head of the Council shall be *ex-officio* one of the Directors of the Company, in addition to the number of Directors authorized by the special Act, and shall have the same rights, powers and duties as the other Directors of the Company; R. S. O. c. 174, s. 560; (36 V. c. 48, s. 475.) *See also R. S. O.* c. 165, s. 31 (4).) In certain cases, head of council to be *ex officio* a director.

630. The Council of every Township may pass by-laws for authorizing any Railway Company, in case such authority is necessary, to make a branch railway on property of the Corporation, or on highways, under such conditions as the Council sees fit, and subject to the restrictions contained in "*The Railway Act of Ontario*," and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the Council sees fit. R. S. O. c. 174, s. 561. (36 V. c. 48, s. 476.) By-laws authorizing branch railways, tram and other railways along highways. R. S. O. c. 165.

631. So much of any enactment in private and other Acts, passed on or before the fifth day of March, 1880, as authorizes Grouping clauses in railway Acts or passed on or

before March 5, 1880, repealed.

or provides for the grouping or joining together of Municipalities or a Municipality, or part of any Municipalities or Municipality with part of another Municipality or parts of other Municipalities, for the purpose of granting Municipal aid to any Railway or Railway Company, is hereby repealed and declared to be inoperative. 43 V. c. 27, s. 17.

PART VIII.

POLICE VILLAGES.

DIV. I.—FORMATION OF.
DIV. II.—TRUSTEES, AND ELECTION OF.
DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing Villages continued. *Sec.* 632.
New Police Villages—how formed. *Sec.* 633.

Existing police villages continued.

632. Until otherwise provided by competent authority, every existing Police Village shall continue to be a Police Village, with the boundaries now established. R. S. O. c. 174, s. 562. (36 V. c. 48, s. 477.)

New police villages.

633. On the petition of any of the inhabitants of an unincorporated Village, the Council or Councils of the County or Counties within which the Village is situate may, by by-law, erect the same into a Police Village, and assign thereto such limits as may seem expedient. R. S. O. c. 174, s. 563. (36 V. c. 48, s. 478.)

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

Existing Trustees continued. *Sec.* 634.
Trustees three in number. *Sec.* 635.
Qualification required for. *Secs.* 636, 637.
Electors, who are. *Sec.* 638,
Election, where to be held. *Secs.* 639–641.
Returning Officer, how appointed. *Sec.* 639.
Election not to be held in a Tavern. *Sec.* 641.
Nomination, how conducted. *Secs.* 642-644.
Polling, how conducted. *Secs.* 645-649.
Powers of Returning Officer. *Sec.* 650.
Tenure of Office. *Sec.* 651.
Voters' Lists, etc., to be returned. *Sec.* 652.
Vacancies, how filled. *Sec.* 653.
Inspecting Trustee, how appointed. *Sec.* 654.

634. The Trustees of every Police Village existing when this Act takes effect, shall be deemed the Trustees respectively of every such Village as continued under this Act. R. S. O. c. 174, s. 564. (36 V. c. 48, s. 479.) Present trustees continued.

635. The Trustees of every Police Village shall be three in number. R. S. O. c. 174, s. 565. (36 V. c. 48, s. 480.) Number of trustees.

636. The persons qualified to be elected Police Trustees shall be such persons as reside within the Police Village or within two miles thereof, and are eligible to be elected Township Councillors, and are qualified in respect of property for which they are rated in such Police Village to the amount required so to quality them. R. S. O. c. 174, s. 566. (36 V. c. 48 s. 481.) Qualification of trustees.

637. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. R. S. O. c. 174, s. 567. (36 V. c. 48, s. 482.) Deficiency in number of qualified persons.

638. Any Township elector, rated on the last assessment roll for such property in a Police Village as entitles him to vote in respect thereof at the Municipal Election for the Township, shall be entitled to vote at the Election for Police Trustees. R. S. O. c. 174, s. 568. (36 V. c. 48, s. 483.) Qualification of electors.

639. The Council by which a Police Village is established shall, by the by-law establishing the same, name the place in the Village for holding the first election of Police Trustees, and the Returning Officer therefor. R. S. O. c. 174, s. 569. (36 V. c. 48, s. 484.) Place for holding first election, etc.

640. In a Police Village, after the first election, the Trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the Returning Officer, and the place or places within such Village for holding nominations and elections. R. S. O. c. 174, s. 570. (36 V. c. 48, s. 485.) Place for holding subsequent elections, etc.

641. No election of Police Trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. R. S. O. c. 174, s. 571. (36 V. c. 48, s. 486.) No election to be held in a tavern.

642. A meeting of the electors shall take place for the nomination of candidates for the offices of Police Trustees, in each Police Village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the Trustees. Nomination meeting.

(2) When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. R. S. O. c. 174, s. 572. (36 V. c. 48, s. 487; 39 V. c. 7, s. 20.) Provision for Christmas day.

Who to preside.

643. The Returning Officer (or, in his absence, a Chairman to be chosen) shall preside at such meeting, of which the Police Trustees shall give at least six days' notice. R. S. O. c. 174, s. 573. (36 V. c. 48, s. 488.)

If no more candidates than offices.

644. If only three candidates are proposed and seconded, the Returning Officer or Chairman shall, after a lapse of one hour, declare such candidates duly elected. R. S. O. c. 174, s. 574. (36 V. c. 48, s. 489.)

If more, and poll demanded.

Election.

645. If more than the necessary number of candidates are proposed, the Returning Officer or Chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. R. S. O. c. 174, s. 575. (36 V. c. 48, s. 490.)

Notice of persons proposed, to be posted.

List of voters to be obtained.

646. The Returning Officer or Chairman of the meeting shall, on the day following that of the nomination, post up in the office of the Clerk of the Township, if it is situated in such Police Village, and if not, then in some other public place in such Police Village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the Clerk of the Township, or Clerks of the Townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said Police Village, such as is required to be furnished under the next section. R. S. O. c. 174, s. 576. (36 V. c. 48, s. 491; 40 V. c. 7, *Sched.* A (184).)

Clerk of township to furnish alphabetical list of voters.

List to be attested by declaration.

647. The Clerk of the Township, or Clerks of the Townships in which any Police Village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the Returning Officer of such Police Village a list of the names according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at Township municipal elections, in respect of real property situate, or income received in the said Police Village, or in the portion thereof in the Municipality of such Clerk, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. c. 174, s. 577. (36 V. c. 48, s. 492; 40 V. c. 7, *Sched.* A (185).)

Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councillors, etc.

648. The various sections of this Act relating to the proceedings at the nomination and election of Township Councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a Chairman or Returning Officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision is

is herein made, in the election of Police Trustees. R. S. O. c. 174, s. 578. (36 V. c. 48, s. 498; 40 V. c. 7, *Sched.* A (186).)

Casting vote.

649. In case a casting vote is required to determine an election, the Returning Officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the Returning Officer shall not vote at any such election. R. S. O. c. 174, s. 579. (36 V. c. 48, s. 495.)

Powers of returning officer.

650. The Returning Officer shall have the like powers for the preservation of the peace as are given to Returning Officers and Deputy Returning Officers at municipal elections. R. S. O. c. 174, s. 580. (36 V. c. 48, s. 499.)

Term of office.

651. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. R. S. O. c. 174, s. 581. (36 V. c. 48, s. 496.)

Returning officer to return ballot papers, etc., to clerk of township, verified under oath.

652. Every Returning Officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the Clerk of the Township in which the Village is situated, or in case the Village lies in several Townships, then to the Clerk of the County, verified under oath before such Clerk, or before any Justice of the Peace for the County or Union of Counties in which the Village lies, as to the due and correct taking of the votes. R. S. O. c. 174, s. 582. (36 V. c. 48, s. 497.)

Filling vacancies.

653. In case of any vacancy in the office of a Police Trustee, by death or otherwise, the remaining Trustee or Trustees shall, by writing to be filed with such Clerk as aforesaid, appoint a Trustee or Trustees to supply the vacancy. R. S. O. c. 174, s. 583. (36 V. c. 48, s. 500.)

Appointment of inspecting trustees.

654. The Trustees of every Police Village, or any two of such Trustees, shall, by writing under their hands, to be filed with the Clerk of the Township, or in case the Village lies in several Townships, with the Clerk of the County, appoint one of their number to be Inspecting Trustee. R. S. O. c. 174, s. 584. (36 V. c. 48, s. 501.)

Division III.—Duties of Police Trustees.

Oaths of office and qualification. *Sec.* 655.
First meeting of. *Sec.* 656.
Expenses of, how provided for. *Secs.* 657–660.
Trustees to be Health Officers. *Sec.* 661.
Regulations to be enforced by Trustees. *Sec.* 662.

Prevention

Prevention of Fire. *Sec.* 662 (1–11).
Gunpowder. *Sec.* 662 (13, 14).
Nuisances. *Sec.* 662 (15).
Penalties. *Secs.* 663–665.
Neglect of duty by Trustees, how punishable. *Sec.* 664.
Limitation of suits for penalties. *Sec.* 665.

Oaths of office and qualification.

655. Every Police Trustee shall take oaths of office and qualification in the same manner and within the time prescribed for Township Councillors, under like penalties in case of default. R. S. O. c. 174, s. 585. (36 V. c. 48, s. 502.)

When first meeting to be held.

656. The Trustees of every Police Village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. R. S. O. c. 174, s. 586. (36 V. c. 48, s. 503.)

Expenditure, how provided for.

657. The Trustees, at any time previous to the first day of June, may require the Council of the Township or Townships in which the Police Village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such Village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. R. S. O. c. 174, s. 587. (36 V. c. 48, s. 504.)

Where village in two or more townships.

658. In case the Village is situated in two or more Townships, the Trustees shall require a proportionate amount from each, according to the value of the property of the Village in each Township, as shewn by the last equalized assessment rolls. R. S. O. c. 174, s. 588. (36 V. c. 48, s. 505.)

Payment of orders given by trustees, etc.

659. The Township Treasurer shall from time to time, if he has moneys of the Municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the Inspecting Trustee, or by any two of the Trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. R. S. O. c. 174, s. 589. (36 V. c. 48, s. 506.)

When orders may be given.

660. No Trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. R. S. O. c. 174, s. 590. (36 V. c. 48, s. 507.)

Trustees to be health officers. R. S. O. c. 190.

661. The Trustees of every Police Village shall be Health Officers within the Police Village, under "*The Act respecting the Public Health.*" R. S. O. c. 174, s. 591. (36 V. c. 48, s. 508.)

662.

662. The Trustees of every Police Village shall execute and enforce therein the regulations following :— Following regulations to be enforced.

Prevention of Fire.

(1) Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission ; and a further penalty of two dollars for every week such omission continues. R. S. O. c. 174, s. 592 (1). (36 V. c. 48, s. 509 (1).) For providing ladders, etc. Penalty.

(2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient. R. S. O. c. 174, s. 592 (2). (36 V. c. 48, s. 509 (2).) Fire buckets. Penalty.

(3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance. R. S. O. c. 174. s. 592 (3). (36 V. c. 48, s. 509 (3).) As to furnaces, etc. Penalty.

(4) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto ; and the pipe of every stove shall be inserted into a chimney ; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of two dollars. R. S. O. c. 174, s. 592 (4). (36 V. c. 48, s. 509 (4).) Stove pipes, etc. Penalty.

(5) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of one dollar. R. S. O. c. 174, s. 592 (5). (36 V. c. 48, s. 509 (5).) Lights in stables, etc. Penalty.

(6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar. R. S. O. c. 174, s. 592 (6). (36 V. c. 48, s. 509 (6).) Chimneys. Penalty.

(7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence. R. S. O. c. 174, s. 592 (7). (36 V. c. 48, s. 509 (7).) Securing fire carried through streets, etc. Penalty,

(8) No person shall light a fire in a street, lane or public, place, under a penalty of one dollar. R. S. O. c. 174, s. 592 (8). (36 V. c. 41, s. 509 (8).) Lighting fires in streets. Penalty.

(9)

Hay, straw, etc. Penalty.

(9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there. R. S. O. c. 174, s. 592 (9). (36 V. c. 48, s. 509 (9).)

Ashes, etc. Penalty.

(10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar. R. S. O. c. 174, s. 592 (10). (36 V. c. 48, s. 509 (10).)

Lime. Penalty.

(11) No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the Inspecting Trustee, so as to prevent any danger of fire. R. S. O. c. 174, s. 592 (11). (36 V. c. 48, s. 509 (11).)

Charcoal furnaces. Penalty.

(12) No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars. R. S. O. c. 174, s. 592 (12). (36 V. c. 48, s. 509 (12).)

Gunpowder.

Gunpowder, how to be kept. Penalty.

(13) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence. R. S. O. c. 174, s. 592 (13). (36 V. c. 48, s. 509 (13).)

Not to be sold at night. Penalty.

(14) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence. R. S. O. c. 174, s. 592 (14). (36 V. c. 48, s. 509 (14).)

Nuisances.

Certain nuisances prohibited.

(15) No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same after being notified to do so by the Inspecting Trustee, or some other person authorized by him. R. S. O. c. 174, s. 592 (6). (36 V. c. 48, s. 509 (15).)

Penalties.

Who to sue for penalties.

663. The Inspecting Trustee, or in his absence, or when he is the party complained of, one of the other Trustees, shall sue for all penalties incurred under the regulations of police herein established,

established, before a Justice of the Peace having jurisdiction in the Village and residing therein, or within five miles thereof; or if there be none such, then before any Justice of the Peace having jurisdiction in the Village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the Path-master or Path-masters of the division or divisions to which the Village belongs, or to such of the said Path-masters as the Trustees may direct; and such Path-master or Path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the Village, under the direction of the Trustees. R. S. O. c. 174, s. 593. (36 V. c. 48, s. 510.)

And before whom.

Conviction and levy of penalty.

664. Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the Village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. R. S. O. c. 174, s. 594. (36 V. c. 48, s. 511.)

Penalty for breach of duty by trustees.

665. The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. R. S. O. c. 174, s. 595. (36 V. c. 48, s. 512.)

When prosecutions to be commenced.

CONFIRMING AND SAVING CLAUSES.

666. Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburg, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which Cities and other Municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. R. S. O. c. 174, s. 596. (36 V. c. 48, sec. 513.)

Exceptions from repeal.

Boundaries of cities and towns.

Amherstburg.

Proclamations.

Special Acts.

667.

R. S. O. c. 175, not affected.

667. Nothing herein contained shall affect "*The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.*" R. S. O. c. 174. s. 597. (36 V. c. 48, s. 514.)

Inconsistent enactments repealed. Exception.

668. The Acts and parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Ontario, excepting special Acts which have been enacted to confer specific powers on certain Municipalities are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. *New.*

SCHEDULE A.

(*Section* 122.)

FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No. , day of January, 18 .

FOR MAYOR.

ALLAN.

Charles Allan, King Street, City of Toronto, Merchant.

BROWN.

William Brown, City of Toronto, Banker.

FORM FOR ALDERMAN.

Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No. , day of January, 18 .

FOR ALDERMAN.

ARGO.

James Argo, City of Toronto, Gentleman.

BAKER.

Samuel Baker, City of Toronto, Baker.

DUNCAN.

Robert Duncan, City of Toronto, Printer.

(2. In the case of Towns divided into Wards.)

FORM FOR MAYOR, REEVE AND DEPUTY REEVE.

Election for the Members of the Municipal Council of the Town of , Ward

No. , Polling Subdivision No.

day of January, 18 .

FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant.	X
	WALKER. Robert Walker, of the Town of Barrie, Physician.	
FOR REEVE (if any).	BROWN. John Brown, of the Town of Barrie, Merchant.	
	ROBINSON. George Robinson, of the Town of Barrie, Merchant.	X
FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Town of Barrie, Pumpmaker.	
	BOYD. Zachary Boyd, of the Town of Barrie, Tinsmith.	X

FORM

FORM FOR COUNCILLORS.

Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR COUNCILLOR.

BULL.
John Bull, of the Town of Barrie, Butcher. X

JONES.
Morgan Jones, of the Town of Barrie, Grocer.

McALLISTER.
Allister McAllister, of the Town of Barrie, Tailor.

O'CONNELL.
Patrick O'Connell, of the Town of Barrie, Milkman. X

(3. *In the case of Townships divided into Wards.*)

FORM FOR REEVE.

Election of Members of the Municipal Council of the Township of , in the County of , Ward No. day of January, '18 .

FOR REEVE.

BARDELL.
Thomas Bardell, of the Township of Peel, Yeoman.

SNODGRASS.
Alfred Snodgrass, of the Township of Peel, Yeoman.

FORM

FORM FOR COUNCILLORS.



Election of Members of the Municipal Council of the Township of , in the County of Ward No. day of January, 18 .

FOR COUNCILLOR.

BULL.

John Bull, of the Township of York, Doctor of Medicine.

JONES.

Morgan Jones, of the Township of York, Farmer.

McALLISTER.

Allister McAllister, of the Township of York, Farmer.

O'CONNELL.

Patrick O'Connell, of the Township of York, Lumber Merchant.

RUAN.

Malachi Ruan, of the Township of York, Farmer.

SCHULTZE.

Gottfried Schultze, of the Township of York, Farmer.

WASHINGTON.

George Washington, of the Township of York, Gentleman.

(4. *In the case of Incorporated Villages and Townships not divided into Wards.*)

Election of Members of the Municipal Council of the Village (*or* Township of , in the County of , Polling sub-Division No. day of January, 18 .

FOR REEVE.

BROWN.

John Brown, of the Village of Yorkville, Merchant.

ROBINSON.

George Robinson, of the Village of Yorkville, Physician.

FOR DEPUTY REEVE (if any).

ARMOUR.

Jacob Armour, of the Village of Yorkville, Pumpmaker.

BOYD.

Zachary Boyd, of the Village of Yorkville, Tinsmith.

FOR COUNCILLOR.

BULL.

John Bull, of the Village of Yorkville, Butcher.

JONES.

Morgan Jones, of the Village of Yorkville, Grocer.

McALLISTER.

Allister McAllister, of the Village of Yorkville, Tailor.

O'CONNELL.

Patrick O'Connell, of the Village of Yorkville, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, &c.

R. S. O., c. 174, *Sched.* A. (39 V. c. 5, *Sched.* A.)

SCHEDULE

SCHEDULE B.

(*Sections* 125 *and* 145.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus ×, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates (43 V., c. 24, s. 4).

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON *and* ROBERT WALKER; *for Reeve,* JOHN BROWN *and* GEORGE ROBINSON; *for Deputy Reeve,* JACOB ARMOUR *and* ZACHARY BOYD; *and for Councillors,* JOHN BULL, MORGAN JONES, ALLISTER MCALLISTER *and* PATRICK O'CONNELL; *and the elector has marked the first paper in favour of* JACOB THOMPSON *for Mayor,* GEORGE ROBINSON *for Reeve, and* ZACHARY BOYD *for Deputy Reeve, and has marked the second paper in favour of* JOHN BULL *and* PATRICK O'CONNELL *for Councillors*:—

Election for the Members of the Municipal Council of the Town of ,

Ward No. , Polling Subdivision No.

day of January, 18 .

FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant.	X
	WALKER. Robert Walker, of the Town of Barrie, Physician.	
FOR REEVE (if any).	BROWN. John Brown, of the Town of Barrie, Merchant.	
	ROBINSON. George Robinson, of the Town of Barrie, Merchant.	X
FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Town of Barrie, Pumpmaker.	
	BOYD. Zachary Boyd, of the Town of Barrie, Tinsmith.	X

Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No.

day of January, 18 .

FOR COUNCILLOR.	BULL. John Bull, of the Town of Barrie, Butcher.	X
	JONES. Morgan Jones, of the Town of Barrie, Grocer.	
	McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
	O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman.	X

R. S. O., c. 174, *Sched.* B.; (38 V. c. 28, *Sched.* B; 40 V. c. 7, *Sched.* A. (187).)

SCHEDULE

SCHEDULE C.

(*Sections* 128, 129, 130 131, *and* 304).

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Householder, Tenant or Farmer's Son.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Mayor and Reeve.	Councillor.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

R. S. O., c. 174, *Sched.* C.; (39 V. c. 5, *Sched.* B.; 40 V. c. 12, s. 17.)

SCHEDULE D.

(*Section* 134.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the
of , 18 .

I, *A. B.*, Clerk of the Municipality of , in the County of , do hereby certify that the assessment roll for this Township (*or as the case may be*) of upon which the voters' list to be used at this election is based, was returned to me by the Assessor for said Township (*or as the case may be*) on the day of , 18 , and that the same was finally revised and corrected on the day of , 18 .

Dated this day of , 18 .

A. B.,
Clerk.

R. S. O., c. 174, *Sched.* D.; (40 V. c. 12, *Sched.* B.)

SCHEDULE E.

(*Section* 148.)

FORM OF DECLARATION OF INABILITY TO READ, &C.

I, *A. B.*, of , being numbered on the voters' list, for polling subdivision No. , in the City (*or as the case may be*) of and County of , being a legally qualified elector for the said City (*or as the case may be*) of , do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a voting paper, *as the case may be*).

(*A. B.* His × mark.)

The day of , A.D. 18 .

R. S. O., c. 174, *Sched.* E.; (38 V. c. 28, *Sched.* D.

SCHEDULE F.

(*Section* 148.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, &C.

I, *C. D.*, the undersigned, being the Deputy Returning Officer for polling subdivision No. , for the City (*or as the case may be*) of , do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

(*Signed*) *C. D.*,
Deputy Returning Officer for Polling Sub-Division No. , in the City (*or as the case may be*) of

Dated this day of , A.D. 18 .

R. S. O., c. 174, *Sched.* F.; (38 V. c. 28, *Sched.* E.)

SCHEDULE

SCHEDULE G.

(*Sections* 154, 317 *and* 318.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. , of the City (*or as the case may be*) of , in the County of , do solemnly swear (*or if he is a person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. of the said City (*or as the case may be*), was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(*Signed*) *C. D.*,
Deputy Returning Officer.

Sworn (*or* affirmed) before me at , this day of , A.D. 18 .

(*Signed*) *X. Y.*,
Justice of the Peace.
Or A. B.,
Clerk of theMunicipality of .

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

R. S. O., c. 174, *Sched.* G.; (38 V. c. 28, *Sched.* F.)

SCHEDULE H.

(*Section* 169.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of , A.D. 18 .

C. D.,
Justice of the Peace (*or* Clerk of the Municipality of).

R. S. O., c. 174, *Sched.* H.; (38 V. c. 28, *Sched.* G.)

SCHEDULE J.

(*Section* 296.)

FORM OF BALLOT PAPER.



.....18

Voting on By-law to (*here insert object of the by-law*), submitted to the Council of the of .

FOR

The By-law.

AGAINST

The By-law.

R. S. O., c. 174, *Sched.* J.; (39 V. c. 35, *Sched.* A.)

SCHEDULE K.

(*Sections* 299 *and* 301.)

I, the undersigned *A. B.*, solemnly declare that I am a ratepayer of the Township (*or as the case may be*) of (*The Municipality the Council of which proposed the by-law*), and that I am desirous of promoting (*or* opposing, *as the case may be*) the passing of the by-law to (*here insert object of the by-law*), submitted to the Council of said Township (*or as the case may be*).

(*Signature* A. B.

Made and declared before me this
day of , A.D. .

C. D.,
Head of Municipality.

R. S. O., c. 174, *Sched.* K.; (39 V. c. 35, *Sched.* B.)

SCHEDULE L.

(*Section* 308.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus ×) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded

folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer, (*or* Returning Officer, *as the case may be*), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:—



Voting on By-law to (*here insert object of the by-law*) submitted to the Council of the ..... of .....18 .

FOR The By-law.	X
AGAINST The By-law.	

R. S. O., c. 174, *Sched.* L.; (39 V. c. 35, *Sched.* C.)

SCHEDULE M.

(*Section* 324.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (*or as the case may be*) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at , this day of , A.D. 18 .

C. D.,
Justice of the Peace (*or* Clerk of the Municipality of).

R. S. O., c. 174, *Sched.* M.; (39 V. c. 35, *Sched.* D.)

CHAPTER

CHAPTER 19.

An Act to facilitate the establishment of Free Libraries.

[*Assented to 1st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Free Libraries Amendment Act, 1883."

Provisions where library, etc., of Mechanics' Institute transferred to Board.

2. In case of any Mechanics' Institute transferring its library and reading-room, or either of them, to any Board of Management of a Free Library, under section ten of "*The Free Libraries Act, 1882,*" if it is part of the agreement that the Board shall thenceforward receive the appropriation from the Mechanics' Institute Grant, which the Institute would otherwise receive, the Board shall, on the condition (if any) mentioned in the agreement, be entitled to the like aid from the unappropriated moneys in the hands of the Treasurer of the Province in respect of such reading-room and library, or either of them, as such Mechanics' Institute would have received under the provision of the Revised Act, chapter thirty-five, relating to Mechanics' Institutes.

Meaning of 45 V. c. 22, as to final passing of by-law declared.

3. It is hereby declared to have been and to be the true meaning and intention of the said Act that a by-law, under "*The Free Libraries Act, 1882,*" which has been assented to by the electors, may be passed at the first or any meeting of the municipal council thereafter, without waiting for the expiration of fourteen days or any other time, unless a petition for a scrutiny has been presented in the meantime as provided by section 318 of the Municipal Act.

By-law to be passed by Council.

4. After a by-law has been assented to, it shall be the duty of the council for the time being to pass the same without unnecessary delay, whether such council is, or is not, the same council which submitted the by-law to the electors.

CHAPTER 20.

An Act to provide for the establishment and maintenance of Public Parks in Cities and Towns.

[*Assented to 1st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "The Public Parks Act, 1883."

Establishment of parks.

2. A park, or a system of parks, avenues, boulevards and drives, or any of them, may be established in any city or town ; and the same, as well as existing parks and avenues, may be controlled and managed in manner hereinafter provided.

(1) In case a petition is presented to the council of any city signed by not less than 500 electors, or to the council of any town signed by not less than 200 electors praying for the adoption of this Act, the council may pass a by-law, giving effect to the petition, with the assent of the electors qualified to vote at municipal elections, given before the final passing of the by-law as provided by the municipal law.

(2) In case the majority of the votes polled on the by-law are in favour thereof, the by-law shall be finally passed by the council at its next regular meeting held after the taking of such vote, or as soon thereafter as may be.

(3) In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the council, or submitted to the electors, within the same municipal year.

Parks to be open to public.

3. All parks, boulevards, avenues, and drives, and approaches thereto, or streets connecting the same, in any city or town where this Act is adopted, shall be open to the public free of all charge, subject to such by-laws, rules, and regulations as the Board may make as to the use thereof.

Parks to be under control of Board of Park Management.

4. In case of the adoption of this Act, the general management, regulation and control of all existing parks and avenues, and of all properties both real and personal, applicable to the maintenance of parks belonging to the city or town, and of all parks, avenues, boulevards and drives which may thereafter be acquired and established under the provisions of this Act, shall be vested in and exercised by a Board, to be called The Board of Park Management.

(2) The authority of the Board shall not extend to any streets open at the time of the adoption of the Act, with the exception

exception of streets which may be expressly specified in the by-law adopting the Act, or which at any time, or from time to time afterwards, in pursuance of an agreement between the council and the Board, the council shall by by-law declare to be subject to this Act.

(3) Nothing in this Act contained shall authorize the Board to assume possession or control of any Exhibition Park in or belonging to the city or town, without the consent of both the Municipal Council and of any Electoral District Society, Agricultural or Exhibition Association, having an interest therein.

Constitution of Board.

5. The Board shall be a body politic and corporate, and shall be composed of the mayor of the city or town and of six other persons who shall be residents of the city or town, but not members of the council, and shall be appointed by the council on the nomination of the mayor.

Tenure of office.

6. The appointed members of the Board shall hold their office for three years, except in the case of the members of the first Board, two of whom shall hold office until the first day of February in the year following the first appointments, two for one year, and two for two years, from said first day of February; said members retiring in rotation, two each year, the order of such retirement to be determined by lot among themselves at their first meeting; but every member of the Board shall continue in office after the time named until his successor is appointed, and may be reappointed by the council.

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(3) Subject to these provisions, each of the appointed members shall hold office for three years from the first day of February in the year in which he is appointed.

(4) The first appointment of members of the Board shall be made at the first regular meeting of the council held after the final passing of the by-law.

(5) Thereafter the appointments shall be made annually, at the first meeting of the council held after its organization; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed, shall be filled at the first meeting of the council held after the occurrence of the vacancy.

(6) The members of the first Board, within ten days after their appointment, and on such day and hour as the mayor shall appoint (notice of the appointment, in writing, signed by the mayor, having been duly sent to the address of each member at least one week before the day and hour named therein), shall meet at the office of the mayor for the purpose of organization,

ganization, shall elect one of their number chairman, and shall appoint a secretary, who may be either one of their own members, or any other person they may select.

(7) If for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

(8) The chairman and secretary shall hold their places at the pleasure of the Board, or for such period as the Board shall prescribe.

(9) When the chairman or secretary is absent, or unable to act, the Board may appoint a chairman or secretary *pro tem.*

(10) The Board shall meet at least once every calendar month, and at such other times as they may think fit.

(11) The chairman or any two members may summon a special meeting of the Board, by giving at least two days notice in writing, to each member, specifying the purpose for which the meeting is called.

(12) The office of any member of the Board, who shall be absent from the meetings of the Board for three successive months, without leave of absence from the Board, or without reasons satisfactory to the Board, shall be declared vacant by the Board, and notice thereof shall be given to the Council at the next meeting of the Council.

(13) No business shall be transacted at any special or general meeting, unless four members are present.

(14) All orders and proceedings of the Board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

(15) The orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read upon any judicial proceedings as evidence of the orders and proceedings.

Payment of expenses of Board.

7. The Members of the Board shall serve without compensation. Each Member shall be entitled to receive his actual disbursements for expenses in visiting or superintending the park when the visit or service is made or rendered by direction of the Board.

Members of the Board or of the Council not to be interested in any contract.

(*a*) No member of the Board, or alderman, or member of the city or town council, shall have any contract with the Board, or be pecuniarily interested, directly or indirectly, in any contract or work relating to the park or park property.

Board may employ clerks, etc.

8. The Board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation.

Books, etc., to be kept in the office of the Board.

9. The Board shall keep in the office of the Board all books, maps, plans, papers and documents used in and pertaining to the business of the Board.

(2) All books kept by the Board shall be open to the examination of the members of the Council, and of any other person or persons appointed for that purpose by the Council.

Board to keep regular accounts.

10. The Board shall keep distinct and regular accounts of their receipts, payments, credits, and liabilities; and the accounts shall be audited by the auditors of the municipality in like manner as other accounts of the municipality, and shall thereafter be laid before the Council by the Board.

Power to make by-laws, etc.

11. The Board may from time to time pass by-laws for the use, regulation, protection and government of the park or parks, approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act or any law of the Province.

(2) The Board shall, with respect to street railways, have the powers conferred upon Municipal Councils by "*The Street Railway Act, 1883*," so far as relates to any streets or approaches under the control of the Board; but no street or other railway shall enter upon or pass through the park or parks.

(3) The Board shall have power to license hacks and other vehicles for use in the park or parks; and to let from year to year, or for any time not exceeding ten years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the park or parks, under such regulations as the Board shall prescribe.

(4) The Board shall have power to attach penalties for the infraction of their by-laws; and the same shall be enforced by summary proceedings before the Police Magistrate of the city or town, or in his absence before any justice of the peace having jurisdiction therein, or before any justice of the peace having jurisdiction in the locality in which the offence is committed, in the manner and to the extent that by-laws passed by municipal councils may be enforced.

(5) The by-laws shall be sufficiently authenticated by being signed by the chairman of the Board; and a copy of any by-law, written or printed, and certified to be a true copy by any member of the Board, shall be received as evidence in any court of justice or elsewhere without proof of any such signature; unless it is specially pleaded or alleged that the signature to the original by-law has been forged.

Property may be granted, etc., to municipality for park purposes.

12. Real and personal property may be devised, granted conveyed, bequeathed, or given to the city or town for the purpose of the improvement or ornamentation of the park or parks of the city or town, or of the approaches thereto, or of the streets connecting therewith; or for the establishment or maintenance on park property of museums, zoological or other gardens, collections of natural history, observatories, monuments, or works of art; upon such trusts and conditions as may be prescribed by the donor. **13.**

13. The Board shall have power and authority to select and acquire, by purchase or otherwise, or to lease, the lands, rights and privileges needful for park purposes. Power to acquire land.

(2) The lands purchased by the Board, together with those assumed by them as and for park purposes at the time of the adoption of this Act, shall not together exceed, in the case of cities 1,000 acres, and in the case of towns 500 acres; but lands in excess of these quantities may be taken by devise or gift.

(3) The title of all lands purchased shall be taken to the city or town.

(4) The Board shall have power to let any lands not immediately required for park purposes.

(5) If the Board find that they have more land than is required for park purposes, they may sell or otherwise dispose of the said land, not required, in such manner, and upon such terms of cash or credit, or part cash, and part credit, as they may think most advantageous.

14. The Board, their engineers, surveyors, servants and workmen from time to time, and at such times as the Board shall see fit, may enter into and upon the lands of any persons, bodies politic or corporate, in the municipality, or in the case of a city within ten miles, and in case of a town within five miles thereof, and may survey, set out, and ascertain such parts thereof as are required for the purposes of the Board, including parks, boulevards, avenues and drives and approaches thereto, and including also the supply of water for artificial lakes, fountains, and other park purposes; and (with the consent of all parties interested capable of consenting) may divert and appropriate any river, ponds of water, springs or streams of water therein which the engineer, surveyor or other person authorized in this behalf by the Board shall judge suitable and proper for the said purposes; and the Board may contract with the owner or occupier of the said lands, and with those having a right or interest in the said water, for the purchase or renting thereof, or of any part thereof, or of any privilege which may be required for the purposes of the Board. But the Board shall not interfere with the water-works of any municipal corporation or of any company. Power to enter on lands and appropriate streams, etc.

15. In case of any disagreement between the Board and the owner or occupier of, or any other person interested in, such lands, or any person having an interest in the said water, or in the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase money or yearly rental thereof, or as to the damages which the appropriation thereof by the Board will cause, or otherwise, the matter in question shall be decided by arbitration in accordance with the provisions of "*The Municipal Act*," and as hereinafter provided. Arbitration.

16.

Arbitration provisions in Municipal Act incorporated herewith.

16. The sections of "*The Municipal Act*" relating to the appointment of arbitrators and procedure, and numbered 367 to 385, both inclusive, and the sections numbered 456 to 459, both inclusive, relating to compensation for lands taken, are incorporated with, and are to be taken and read as part of this Act, and shall apply to the Board as if the Board were specially named therein instead of the municipal council.

Board to make yearly estimates.

17. The Board shall in the month of March in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year; for:

The interest of any money borrowed as herein mentioned;

The amount of the sinking fund; and

The expense of maintaining, improving, and managing the parks, boulevards, avenues, and streets under their control.

(2) The Board shall report their estimate to the Council not later than the first day of April in each year.

Special rate for park purposes.

(3) The Council shall, in addition to all other rates and assessments for municipal purposes, levy and assess in every year a special annual rate sufficient to furnish the amount estimated by the Board to be required for the year, but not exceeding one half-mill in the dollar upon the assessed value of all ratable real and personal property; such rate to be called "The Park Fund Rate." The said rate shall be deemed to be included in the limit of two cents on the dollar authorized by "*The Municipal Act*" in that behalf exclusive of school rates.

Power to issue debentures.

(4) The Council may also, subject as hereinafter provided, on the requisition of the Board, raise by a special issue of debentures of the municipality, to be termed "Park Fund Debentures," the sums required for the purpose of purchasing the lands and privileges reported necessary for park purposes.

(5) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual interest and sinking fund does not, with a reasonable allowance for annual expenses of managing, improving, and maintaining the parks, and other works under the control of the Board, exceed the limit of half a mill in the dollar, any provisions in the Municipal and Assessment Acts, or any special or private Acts relating to the city or town, to the contrary notwithstanding.

(6) The debentures may run for such period as the council thinks fit, not to exceed forty years from the date thereof, and shall be in such sums as the council sees fit, and bear interest not to exceed six per centum per annum, payable half yearly, and shall not be sold below par. They shall be issued, and a record kept of the same, as is provided with respect to other city or town debentures.

(7) Debentures issued by virtue of this Act, shall form a lien and charge upon all lands which are by this Act declared to be subject to the control and management of the Board.

(8) In case of a sale, the Board may sell free from the said lien, but the purchase money shall be applied to the payment of park debentures, or to the purchase of other lands for park purposes.

(9) During the currency of the debentures the Council shall withhold and retain, as a first charge on the annual rate, the amount required to meet the annual interest of the debentures, and the annual sinking fund to be provided for the retirement thereof as the debentures become due; such sinking fund to be invested and dealt with, as in the case of other municipal debentures.

(10) All moneys realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other funds, and by him deposited to the credit of the Park Fund, and shall be paid out by him on the orders of the Board; save as to the amount required to meet the interest and provide a sinking fund for debentures.

Prohibitions and penalties.

18. If any person does or commits any of the following acts:—

(*a*) Wilfully or maliciously hinders, or interrupts, or causes, or procures to be hindered or interrupted, the said Board, or their engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

(*b*) Wilfully or maliciously lets off or discharges any water so that the same runs waste or useless from, or out of any reservoir, pond, or lake connected with any such park;

(*c*) Causes any dog or other animal to swim in the water, or throws, or deposits any injurious nuisance, or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done;

(*d*) Lays or causes to be laid any pipe or main to communicate with any pipe or main belonging to the water works connected with any such park or parks, or in any way obtains or uses any water thereof, without the consent of the Board;

(*e*) Washes or cleanses any cloth, wool, leather, skin or animals, causes any dog or other animal to swim therein, or places any nuisance or offensive thing within the distance of one mile, in the case of a town, or within the distance of three miles in the case of a city, from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain, from which the water for the supply of any such park or parks is taken, or conveys, casts, throws, or puts any filth, dead carcase or other noisome or offensive thing therein, or within

within the distance as above set forth, or causes, permits or suffers the water of any sink, sewer, or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled ;

(*f*) Wilfully or maliciously injures, hurts, defaces, tears or destroys any ornamental or shade tree or shrub, or other plant, or any statue, fountain, vase or fixture of ornament or utility, in any street, avenue, drive, park or other public place, under the control of any such Board, or wilfully, negligently or carelessly, suffers or permits any horse or other animal driven by or for him, or any animal belonging to him or in his custody, possession or control, and lawfully on the street or other public place, to break down, destroy or injure any tree standing for use or ornament, in any such Public Park or place ;

(*g*) Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds, or fish, kept in any such park or in the lakes or ponds therewith connected ;

And if such person is convicted of any such act before a justice of the peace, having jurisdiction in the locality within which the offence is committed, he shall for every such offence forfeit and pay a sum not exceeding twenty dollars, nor less than one dollar, together with the costs and charges attending the proceedings and conviction; or such offender may be imprisoned with or without hard labour, in the first instance for any term not exceeding thirty days; and the person or persons so offending, shall be liable to an action at law at the suit of the Board, to make good any damage done by him, her or them.

Commissioners of police to detail policemen for service in the park.

19. It shall be the duty of the Board of Commissioners of Police of the city and town, upon the request of the Board of Park management, to detail for service in any of the public grounds under the care of the Park Board, so many of the police force as the Board of Police Commissioners may deem necessary to maintain order and protect property therein; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the Board.

Protection and powers of officers.

20. The Board of Park Management and the officers thereof shall have the like protection in the exercise of their offices and the execution of their duties, as Justices of the Peace have under the laws of this Province ; and the watchmen and other officers of the Board, when in the discharge of their duties, shall be *ex-officio* possessed of all the powers and authorities of constables.

Limitation of actions.

21. Any action against any person for anything done in pursuance of this Act, shall be brought within six calendar months

months next after the act committed; or in case there shall be a continuation of damages, then within one year after the original cause of action first arose.

Act to be incorporated with Municipal and Assessment Acts.

22. Upon the coming into operation of this Act in any municipality, it shall as regards such municipality be deemed to be incorporated with the Municipal and Assessment Acts for the time being affecting such municipality.

Forms.

23. The forms in the schedule hereto may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions of "*The Municipal Act*" to the contrary notwithstanding.

SCHEDULE.

(FORM A.)

PETITION.

To the Municipal Council of

We, the undersigned electors of the said city of *(or as the case may be)* respectfully pray that the Public Parks Act may be adopted in this municipality.

(FORM B.)

BY-LAW FOR ESTABLISHING A PARK.

A By-law to provide for the adoption of the Public Parks Act in the (city *or* town of *as the case may be*)

Whereas electors have petitioned the council of the said city of *(or as the case may be)* praying for the adoption of the Public Parks Act, in the municipality.

Be it therefore enacted by the municipal council of the city of *(or as the case may be)*, that the said Public Parks Act be adopted in this (city *or* town).

And be it further enacted that the votes of the electors be taken on this by-law on the day of 18 , commencing at nine o'clock in the morning, and continuing until five o'clock in the afternoon at the undermentioned places. *(Here insert (1) the Ward, (2) the Polling Sub-divisions, (3) the Place for holding the poll and the name of the Deputy Returning Officer.)*

That on the day of next, at his office in the at o'clock in the noon, the mayor shall appoint in writing signed by him, two persons to attend to the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passage of this by-law.

That

That the clerk of the said municipal corporation shall attend at the at the hour of o'clock in the noon on the day of 18 , to sum up the number of votes given for or against the by-law.

Notice by the

The above is a true copy of a proposed by-law which will be taken into consideration by the council of after one month from the day of 18 , being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the said by-law.

FORM C.

BY-LAW FOR THE ISSUE OF PARK FUND DEBENTURES.

A by-law authorizing the issue of Debentures for the purposes of a park, *(or* parks *etc., as the case may be.)*

Whereas a by-law of the municipal council of the city of *(or as the case may be)* was passed on the day of 18 , adopting in this municipality, the "Public Parks' Act, 1883."

And whereas a sum of $ is required for the purposes of acquiring lands and improving the same *(or as the case may be)* for the said park, *(or as the case may be)* as appears by the special estimate for that purpose furnished by the Board of Park Management to the Council.

And whereas it will require the sum of $ annually for a period of years to pay the interest of the said debt and the sum of $ annually during said period for the forming of a sinking fund of per centum per annum, for the payment of the debt created by this by-law, making in all the sum of $ annually as aforesaid.

And whereas it is necessary that such annual sum of $ shall in each year during the said period be charged on the special rate mentioned in the section of the said Act.

Be it therefore enacted by the municipal council of the said city of *(or as the case may be)* pursuant to the provisions of the Public Parks Act, 1883:

That the mayor of the said municipality may borrow on the credit of the said Annual Park Fund Rate as aforesaid, and may issue Park Fund Debentures of the Corporation to that amount, in sums not less than $100 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say in *(insert the manner of payment, whether in annual payments or otherwise)* such debentures to be payable at and to have attached to them coupons for the payment of interest.

That during years the sum of shall be raised and retained annually, for the payment of interest on said debentures, and also the sum of for the purpose of forming a sinking fund of per centum per annum, for the payment of the principal of the said loan of in years, making in all the sum of to be raised and charged annually as aforesaid, on the Special Park Fund Rate, unless the said Debentures shall be sooner paid, for the purpose of paying the said sum of with interest thereon as aforesaid.

FORM

FORM D.

FORM OF DEBENTURE.

Park Fund Debentures $ (*or* £ stg.) $ (*or* £ stg.)

City of (*or as the case may be*) Province of Ontario.

Park Fund Debenture No. Transferable.

46 Vic : Cap.

$ (*or* £ stg.)

CANADA :

Under and by virtue of the Public Parks Act, 1883, and of a by-law No. of the corporation of the of passed under the powers in said Act contained,

The corporation of the promise to pay to the bearer the sum of which said sum the city of (*or as the case may be*) promise to pay at (*insert where payable*) on the day of 18 , with interest at the rate of per cent., said interest to be payable (half-yearly, *or as the case may be*) to the bearer of the annexed coupons or interest warrants respectively, upon the presentation thereof at the said

Dated at the of this day of one thousand eight hundred and eighty

Mayor.

Treasurer.

CHAPTER 21.

An Act to authorize Cities, Towns and Villages to provide Gas and other means of Lighting and Heating.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known as "The Municipal Light and Heat Act, 1883." Short title.

2. The corporation of every city, town, or incorporated village shall have power to manufacture and supply, for the use of the corporation and of all persons, gas for heating, cooking, and Corporations of cities, etc., may construct gas works, etc.

and all other purposes for which gas can be used, and to manufacture and supply electric, galvanic, or any other artificial light or heat, either in connection with gas or otherwise; and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights, for the manufacture or production of any artificial light or heat, and also to supply, sell or lease, all fittings, machines, apparatus, meters, or other things for the purposes aforesaid.

May sell coke, etc.

(2) The corporation may sell and dispose of coke, tar, and every other product, refuse or residuum obtained in or from their said works, and any surplus coal they may have on hand.

May rent or purchase lands.

(3) The corporation shall have power to rent or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

Property of corporation exempt from distress.

(4) No property of the corporation shall be liable to be seized for rent due to the landlord of any lands or buildings upon or in which gas, electricity, or other means of lighting or heating, may be supplied by the corporation.

Corporation may break up streets, etc.

3. The corporation, or their servants under their authority, may, for the purpose of laying down, taking up, examining, or keeping in repair the pipes or wires used for conducting the gas, electricity, or other means of lighting or heating, break up, dig, and trench in, upon, through, over and under the highways, streets, lanes, roads, squares, and other public passages and places in the municipality, or, with the consent of the owner, in, upon, through, over and under any private property; or may, upon poles or otherwise, conduct such wires or rods along and across any such streets, lanes, roads, squares and other public passages and places, or, with the consent of the owner, upon private property.

Corporation may carry pipes and wires through parts of buildings to supply other parts.

4. Where there are buildings within the municipality, the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the corporation may carry pipes, wires or rods, to any part of any building so situate, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas, electricity, or other means of lighting or heating, to the property of another, or in the possession of another.

(2) Such pipes, wires or rods shall be carried up, and attached to the outside of the building, unless consent is obtained to carry the same in the inside.

May also break up passages common to different proprietors.

5. The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as little

little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

(2) The corporation shall make satisfaction to any owner or tenant for all damages sustained by him in the execution of the said powers conferred by this section.

Public safety not to be endangered.

6. The corporation shall construct and locate their gas and other works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety.

Power to make by-laws for maintenance and management of works.

7. The corporation may from time to time make and enforce all necessary by-laws, rules, and regulations for the general maintenance and management of all works constructed or maintained under this Act, and of the officers and others employed in connection with them, and for the collection of the rates or charges for supplying gas or electricity or other means of lighting or heating hereunder, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they deem expedient.

Power to enforce payment of rates.

8. The corporation may enforce payment of such rates, charges or rents by suit before any court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents, wherever the same may be found in the municipality in which the gas, electricity or other means of lighting or heating is supplied.

Distress and sale.

(2) Such distress and sale shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under the "Division Courts Acts."

Removal of fittings from premises of customers.

(3) Where any customer discontinues the use of the gas or other means of lighting or heating furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such customer was supplied with gas, or other means of lighting or heating, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage.

Power to carry works into adjoining municipalities.

9. Any corporation possessing, or intending to construct, works under this Act may, under a by-law of an adjoining municipality, whether a city, town, village or township, exercise the like powers within such adjoining municipality as it

may under this Act within its own municipality, upon such terms as may be agreed upon; and the corporation of such adjoining municipality may either require to be paid a sum in gross or annually for such privilege, or may pay a sum in gross or annually therefor.

R. S. O. c. 157, ss. 71-81 incorporated herewith.

10. The sections numbered from seventy-one to eighty-one, both inclusive, of *The Revised Statute respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, are hereby incorporated with this Act as if the same were repeated herein, with the substitution of "corporation" for "company" wherever "company" occurs in the said sections.

45 V. c. 25, ss. 38-45 incorporated herewith.

11. The sections numbered from thirty-eight to forty-five, both inclusive, of "*The Municipal Water-works Act, 1882*," are also hereby incorporated with this Act as if the same were repeated herein, with the substitution of "gas or other" for "water" where "water" occurs in the said sections, except in the fourteenth line of section forty-three, where "gas or other light or heat" shall be substituted for the said word "water."

Restrictions as to laying mains in streets used for the mains of an existing company.

12. In case any gas company or any unincorporated firm or person has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of a municipality, the corporation shall not, without the consent of such company, firm or person first had and obtained, nor otherwise than upon payment to such company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of such companies' main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between the company and municipal corporation.

Rights conferred by special Acts preserved.

13. Nothing in this Act shall be construed to diminish the rights of any company under any special Act, or of any unincorporated owners or owner of existing gas works for the supply of gas to any municipality.

R. S. O. c. 174, s. 467, sub-ss. 13-15, and ss. 470, 471, repealed.

14. Sub-sections 13, 14 and 15 of section 467, and also sections 470 and 471 of "*The Municipal Act*," so far as such last mentioned sections relate to any gas company, are hereby repealed.

CHAPTER

CHAPTER 22.

An Act to provide for the performance of Statute Labour in unincorporated Townships.

[*Assented to 1st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Meeting for election of road commissioners.

1. Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners.

Requisition for meeting.

2. The persons desiring the said meeting to be called shall sign a requisition authorizing some person named in such requisition, and who may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid.

How meeting may be called in case person named in requisition fails to call it.

3. In case the person so named declines to call a meeting, or neglects to do so, for ten days after the request is presented to him, any three of the persons who signed the requisition may call the meeting.

Notice of meeting.

4. The notice calling the meeting shall name a place, day, and hour, where the meeting is to be held; it shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice.

Number of commissioners.

5. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting shall, before proceeding to an election, decide that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five.

Chairman of meeting.

6. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings.

7.

Mode of voting.

7. The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected.

Record of persons voting.

8. The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes.

Objections to voters.

9. If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to Form A appended hereto, whereupon such person shall be permitted to vote.

Term of office.

10. The commissioners elected shall hold office until the thirty-first day of December next after their election.

First meeting of commissioners.

11. The commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work.

Ratio of service by owners and locatees of land.

12. Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten one additional day's labour.

Commissioners to oversee work.

13. Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of one dollar and twenty-five cents per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property.

Commutation.

14. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of one dollar per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed.

15.

15. The majority of the commissioners may call a meeting, to be held at any time during the month of January, for the election of their successors, but in case of their failure so to do a meeting may be called in the manner hereinbefore provided for a first election. Meeting for election of new commissioners.

16. Any person liable to perform statute labour under this Act, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of five dollars and in addition one dollar for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, and upon such person's conviction thereof before a justice of the peace having jurisdiction in the township, such justice shall order the said penalty, together with costs of prosecution and distress, to be levied by distress of the offender's goods and chattels. Penalty for neglect to perform work.

FORM A.

OATH TO BE TAKEN BY ANY PERSON WHOSE RIGHT TO VOTE IS DISPUTED.

You *swear** that you are of the age of twenty-one years, and that you are the owner or locatee of lot in the concession of this township, and that you are entitled to vote at this election. So help you God.

CHAPTER 23.

An Act respecting appeals to Stipendiary Magistrates from Municipal Assessment in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

[*Assented to 1st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The appeal to the stipendiary magistrate from the decision of a municipal council acting as a Court of Revision given by the eighteenth section of the Act passed in the thirty-sixth year of Her Right to appeal from Municipal Council acting as a Court of Revision.

* If the voter is lawfully entitled to affirm, for "*swear*" substitute "*solemnly affirm.*"

Her Majesty's reign, entitled "*An Act to organize the Municipality of Shuniah and to amend the Acts for establishing Municipal Institutions in unorganized districts,*" or by the twenty-third section of *The Revised Statute respecting the establishment of Municipal Institutions in the districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay,* or by the sixteenth section of the Act passed in the forty-fourth year of Her Majesty's reign, entitled "*An Act to organize the Municipality of Neebing,*" shall be held to extend to any assessment for the municipality as well as to the first assessment.

Time for appealing where decision of Court of Revision delayed.

2. If for any reason the decision of the Court of Revision is not given in any municipality organized under any of the above Acts six weeks before the time limited for the return of the roll by the stipendiary magistrate in case of an appeal to him, then the time for the return of such roll by the stipendiary magistrate shall be six weeks from the day when the decision of the Court of Revision is given.

(2) The stipendiary magistrate may, if he thinks fit, note upon the roll that any assessment in respect of which an appeal is pending before him is undecided, and may return such roll to be acted upon in respect of the assessments which are concluded; and the said judge shall thereafter certify to the clerk of the municipality his decision as to such appeal; and such certificate, whether given before or after the expiration of the said six weeks, shall have the like effect as if his decision were entered upon the roll by the said stipendiary magistrate.

CHAPTER 24.

An Act to amend the Assessment Act.

[*Assented to* 1*st February,* 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R.S.O. c. 180, s. 68, amended.

1. Section sixty-eight of the Assessment Act, Revised Statutes of Ontario, is amended by striking out the words "for the current year, bears a just relation to the valuation so made in all such townships, towns and villages" in the seventh, eighth and ninth lines of the said section, and by substituting therefor the words "bears a just relation one to another."

2.

2. The council of every city, town and incorporated village, may pass a by-law or by-laws to reduce or abolish the amount to be paid in lieu of statute labour, as provided by section seventy-seven of the Assessment Act. Power to reduce or abolish payment in lieu of statute labour.

CHAPTER 25.

An Act to amend the Act respecting the Sale of Fermented or Spirituous Liquors.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section two of section thirteen of the Act chaptered one hundred and eighty-one of the Revised Statutes of Ontario is hereby repealed, and the following substituted in lieu thereof : R. S. O. c. 181, s. 13, sub-s. 2, repealed.

(2) The preceding sub-section shall not extend or apply to premises owned or occupied by a joint stock company in which a License Commissioner is a shareholder, but in every such case, and in every case where a License Commissioner is the mortgagee of any premises or agent for the collection of rents in respect of any such premises, such License Commissioner shall not, under a penalty of five hundred dollars, vote upon any question affecting the granting of a license to the company or for premises owned or occupied by it, or for premises in respect of which he is such mortgagee or agent.

CHAPTER 26.

An Act to encourage the Planting and Growing of Trees.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "The Ontario Tree Planting Act, 1883." Short title.

2.

R. S. O. c. 187 repealed.

2. Chapter one hundred and eighty-seven of the Revised Statutes of Ontario is hereby repealed.

By-law necessary to make s. 4 apply to cities, etc.

3. Section four of this Act shall not apply to any incorporated city, town or village, unless the council thereof first passes a by-law making the same apply thereto.

Planting trees.

4. Any person owning land adjacent to any highway, or to any public street, lane, alley, place or square in this Province, may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same.

(2) Any owner of a farm or lot of land may, with the consent of the owner or owners of adjoining lands, plant trees on the boundary lines of his farm or lot.

(3) Every such tree so planted on any such highway, street, lane, alley, place or square, shall be deemed to be the property of the owner of the lands adjacent to such highway, street, lane, alley, place or square, and nearest to such tree; and every such tree so planted on a boundary line aforesaid shall be deemed to be the common property of the owners of the adjoining farms or lots.

(4) Every tree now growing on either side of any highway in this Province shall upon, from, and after the passing of this Act be deemed to be the property of the owner of the land adjacent to such highway, and nearest to such tree, shrub or sapling.

Municipal councils may grant a bonus for each ash tree, etc., planted on any highway, etc.

5. The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or whitewood tree, which shall, under the provisions of this Act, be planted within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary.

(2) Such by-law shall further provide for the appointment of an inspector of trees so planted; for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the council; for the conditions on which bonuses may be paid; and generally for such regulations as are authorized by chapter one hundred and seventy-four of the Revised Statutes of Ontario, section 454 (16).

(3) Printed copies of the said by-law, together with sections four, five, six and seven of this Act, shall be posted throughout the municipality, and all claims made to the council under the provisions

provisions of the by-law shall be referred to the inspector to obtain proof of the same and report thereon.

Annual report by inspector.

6. The inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the distance between any one tree and the tree nearest thereto is not less than thirty feet, that the trees have been planted for a period of three years, and that they are alive, healthy, and of good form; and upon the adoption of such report the bonuses or premiums shall be paid.

Provincial Treasurer on receipt of report to refund to municipality half the sum paid.

7. The Treasurer of the Province, upon receiving a copy of the inspector's report, certified by the reeve and clerk, shall recoup to the treasurer of the municipality one-half of the sum paid by the municipality under the authority of this Act, the said copy to be forwarded on or before the first day of November in each year.

Appropriation for Ontario Tree Planting Fund.

8. The sum of fifty thousand dollars is hereby apportioned and set apart for the object of the foregoing section, and shall be known as "The Ontario Tree Planting Fund."

Penalties.

9. Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this Province (or upon any boundary line of farms, if any such bonus or premium as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the council of the municipality, shall, upon conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding twenty-five dollars besides costs, as such justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality is situate for a period not exceeding thirty days.

(2) One-half of such fine shall go to the person laying the information, and the other half to the municipality within which such tree was growing.

By-laws respecting trees on highways.

10. The council of every municipality may pass by-laws:—

(1) To regulate the planting of trees upon the public highway.

(2)

(2) To prohibit the planting upon the public highways of any species of trees which they may deem unsuited for that purpose.

(3) To provide for the removal of trees which may be planted on the public highway contrary to the provisions of any such by-law.

CHAPTER 27.

An Act respecting Ditches and Watercourses.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Ditches and Watercourses Act, 1883."

Certain Acts not affected.

2. This Act shall not affect the Acts relating to Municipal or Government Drainage.

Owners of adjoining lands to construct ditches in certain proportions.

3. In case of owners of lands, whether immediately adjoining or not, which would be benefited by making a ditch or drain or by deepening or widening a ditch or drain already made in a natural watercourse, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water or in order to enable the owners or occupiers thereof the better to cultivate or use the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened by the said owners respectively and their successors in such ownership in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the engineer hereinafter named otherwise direct, which he is hereby empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening; and in case the engineer finds no good reason for such application all costs caused thereby shall be borne by the applicant and shall be collected as in this Act provided.

An engineer to carry out this Act to be appointed by

4. Every Municipal Council shall, upon the passing of this Act, name and appoint by by-law an engineer to carry out the provisions of this Act, and such engineer shall be and continue an

an officer of such corporation until his appointment is repealed by by-law and another engineer appointed in his stead who shall have authority as well to take as to continue any proceeding already commenced under this Act. every Municipal Council.

5. In case of dispute between owners respecting such proportions any owner shall, before filing with the Clerk of the Municipality the requisition provided for in section six of this Act (Form C or to the like effect), serve upon the other owners or occupants of the lands to be affected a notice in writing signed by him (Form B or to the like effect) naming a day, hour and place convenient to said ditch or drain at which the parties are to meet and, if possible, agree upon the respective portions of such ditch or drain to be made, deepened or widened by each of them, such notice to be served not less than ~~six~~ twelve clear days before time of meeting: and in case at such meeting an agreement shall be come to between the parties, such agreement shall be reduced to writing (Form A or to the like effect), and shall be signed by all the parties and shall, within four clear days from the signing thereof, be filed with the Clerk of the Municipality in which the land requiring such ditch or drain is situate, and such agreement may be enforced in like manner as an award of the engineer as hereinafter provided. Proceedings to effect an agreement in case of dispute.

6. In case the parties at such meeting shall not agree, any owner may file with the Clerk of the Municipality in which the lands requiring such ditch or drain is situated a requisition (Form C or to the like effect) shortly describing the ditch or drain to be made, deepened or widened, and naming the lands which will be affected thereby and the owners respectively, and requesting that the engineer appointed by the Municipality for the purpose shall attend at the time and place named in the requisition, which shall not be less than six clear days from the time of filing the same, and shall also at least four clear days before the time appointed therein serve upon all the persons named in such requisition a notice (Form D or to the like effect) requiring their attendance at the said time and place. Proceedings in case no agreement is come to.

7. An occupant not the owner of land, notified in the manner provided by this Act shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. Occupant to notify owner.

8. The clerk shall, after receiving such requisition, forthwith notify the said engineer by registered letter enclosing a copy of the said requisition to him, and the engineer shall attend at the time and place named therein; shall examine the premises, and if he deem proper, or, if requested by any of the parties, shall hear evidence, and is hereby authorized to examine the parties and their witnesses on oath, and may administer an oath or affirmation as in courts of law and if he shall find the making, Duties of Engineer.

making, deepening, or widening of such ditch or drain necessary, he shall, within thirty days from the receipt of the requisition by him, make his award in writing (Form E or to the like effect) specifying clearly the locality, description and course of said ditch or drain, point of commencement and termination of same, the portion of said ditch or drain to be done by the respective parties and the time within which said work is to be done, the amount of his fees and other charges and by whom to be paid, and he shall have power to adjourn the said examination and may require the notification and attendance of other parties whom he deems interested in said ditch or drain, such "other parties" to have at least four clear days notice of time and place of attendance.

Engineer may order opening of ditch across land of a person not interested.

9. If it appears to the engineer that the owner or occupier of any tract of land is not sufficiently interested in the opening up of the ditch or drain to make him liable to perform any part thereof, and at the same time that it is necessary for the other parties that such ditch or drain should be continued across such tract, he may award the same to be done at the expense of such other parties, and after such award the said "other parties" may open the ditch or drain across the tract at their own expense without being trespassers; but causing no unnecessary damage and replacing any fences opened or removed by them.

Award to be filed with Clerk.

10. The said engineer shall, when such award is made, file the same and any plan or profile of said work with the Clerk of the Municipality named in section six of this Act, and the award, plan and profile shall be official documents and may be given in evidence in any legal proceedings by certified copies as are other official documents, and the Clerk of the Municipality shall forthwith, upon the filing of said award, notify each of the persons affected thereby by registered letter or personal service of the filing of the same.

Appeal.

11. Any person dissatisfied with the award and affected thereby may, within ten clear days from the filing thereof, appeal therefrom to the Judge of the County Court of the County in which the lands, in respect to which the proceedings are initiated, are situate, and the proceedings on such appeal shall be as follows:

Notice of,

(1) The appellant shall serve upon the Clerk of the Municipality with whom the award is filed a notice in writing of his intention to appeal therefrom, shortly setting forth the grounds of appeal.

To Clerk of Division Court and Judge.

(2) The Clerk of said Municipality shall, after the expiration of the time for appeal, forward by registered letter or deliver a copy of such notice, or notices of appeal if there be more than one appeal, to the Clerk of the Division Court of the Division in which the land of the owner filing the requisition

quisition as provided in section six of this Act is situate, and such Division Court Clerk shall immediately notify the judge of said appeal, whereupon the judge shall appoint a time for the hearing thereof, and if he think fit, order such sum of money to be paid by the appellant or appellants to the said clerk as will be a sufficient indemnity against costs of the appeal.

Notice of hearing.

(3) The judge shall order the time and place for hearing of appeals, and communicate the same to the Clerk of the Division Court who shall notify the engineer and all parties interested in the manner herein provided for the service of other notices under this Act.

Powers of Judge.

(4) The judge shall hear and determine the appeal or appeals, and set aside, alter or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath and, if he so pleases, inspect the premises, requiring the attendance with him of the Engineer, and may order payment of costs by the parties or any of them and fix the amount of such costs.

Award as altered and confirmed to be enforced as original award.

(5) The award as so altered or confirmed shall be certified by the Clerk of the Division Court to the Clerk of the Municipality, together with the costs, if any, allowed and by whom to be paid, and such award shall be enforced as the award of the engineer, and the time for the completion of the work thereunder shall be computed from the date of such judgment in appeal.

Payment of fees.

12. The municipality shall at the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer his fees, and also pay to the person declared to be entitled to the same, any fees or costs awarded or adjudged to him, and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay the same, place the amount upon the collector's roll as a charge against the lands of the person awarded or adjudged to pay the same, and the same shall thereupon become a charge upon such lands, and shall be collected as ordinary municipal taxes.

Engineer to inspect work on request at expiration of time limited, and may re-let same.

13. The engineer shall, at the expiration of the time limited by the award for the completion of the work, inspect the said ditch or drain, if required in writing so to do by any of the parties interested, and if he finds the said work or any portion thereof, not completed in accordance with the award, he may let the same in sections as apportioned in the award to the lowest bidder therefor, taking such security for the performance thereof within the time to be limited, as he may deem necessary, but no such letting shall take place till after four clear days' notice in writing of such intended letting has been posted in at least three conspicuous places in the neighbourhood of the work, and notice thereof is sent by registered letter to such parties interested in said

said award as are non-resident in said municipality, but if the engineer is satisfied of the bona fides of the person doing the work, and there is good reason for the non-completion thereof, he may, in his discretion, extend such time.

Inspection of work by engineer on completion.

14. The engineer shall upon receipt of notice in writing of the final completion of the work mentioned in the preceding section inspect the same within one week thereafter, and if approved of, and accepted by him, certify in writing the fact to the Clerk of the Municipality, giving a separate certificate for each portion or section of work let and completed (Form F or to the like effect), and stating the name in each certificate of the person who did the work, as well as the amount he is entitled to receive therefor, and also such extra fees as the engineer is entitled to, by reason of such letting and subsequent inspection, and by whom the same are to be paid.

Payment of amount certified and engineer's extra fees.

15. The Council shall at their meeting next after the filing of the certificate or certificates mentioned in the preceding section, pay to the engineer his additional fees therein mentioned, and shall, unless the amount or amounts named in the said certificate or certificates including such additional fees, is forthwith paid by the respective parties declared in said certificate or certificates to be liable to pay the same, cause the amount or amounts and fees to be added to the collector's roll, together with ten per cent. added thereto, and the same shall thereupon become a charge against the lands of the party or parties so liable, and shall be collected in the same manner as any other municipal taxes, and when collected shall be paid over to the party or parties entitled thereto.

Service of notices.

16. All notices under the provisions of this Act shall be served personally, or by leaving the same at the place of abode of the owner or occupant, with a grown-up person residing thereat, and in case of non-residents, then upon the agent of the owner, or by registered letter addressed to said owner at the post office nearest to his last known place of abode.

Municipal corporations to have same rights as persons.

17. Every Municipal Corporation shall have, and exercise all the rights and privileges of this Act, and may be made parties to the said agreement or award, and shall be considered as owner of the highway for the purposes of this Act, and shall in all respects be in the same position as an individual owner.

Persons desiring to use ditch or drain after construction.

18. In case any person during or after the construction of the ditch or drain herein provided for, desires to avail himself of such ditch or drain for the purpose of draining other lands than those contemplated by the original proceedings, he may avail himself of the provisions of this Act, as if he were or had been a party to such original proceedings; but no person shall make use of the ditch or drain constructed under the provisions of this Act, unless under agreement or award pursuant to

to its provisions as to the use of lands of others, as to the enlargement of the original ditch or drain so as to contain additional water therein, and as to the time for the completion of such enlargement.

Drain may be continued into adjoining municipalities.

19. Notwithstanding any of the lands through which the drain is required, are situate in a municipality adjoining the one in which the original proceedings were commenced, the engineer shall have full power and authority to continue such ditch or drain in and through so much of the lands in such adjoining municipality as may be found necessary, and all proceedings authorized under the provisions of this Act are to be had, taken, and carried on in the municipality where commenced; but in such case the Clerk of said municipality shall forward to the Clerk of such adjoining municipality a certified copy of the award, as made, confirmed, or altered, and shall also forward to him a certified copy of every certificate of the engineer which affects or relates to the lands in such adjoining municipality, and to the owners thereof; and such Municipal Council shall, unless the amounts are forthwith paid by the parties declared by said certificate liable to pay the same, have and take all proceedings for the collection of the sums so certified to be paid, as though all the proceedings had been taken and carried on in such adjoining municipality.

Scale of fees.

20. The fees to which the engineer shall be entitled under this Act shall be such as shall be fixed by by-law or resolution of the Council and in case no such fees are fixed by the Council the same shall be his legally authorized fees for similar work, or such less amount as may be agreed upon, and the fees to witnesses and for the service of papers authorized by the Division Court Clerk, shall be the same as those allowed to witnesses, and similar services in the Division Court.

"Engineer" meaning of.

21. The word "engineer" in this Act shall mean civil engineer, land surveyor, or such person as any municipality by by-law may deem competent to perform the duties required under this Act.

R. S. O. c. 199, 41 V. c. 12, and 43 V. c. 35 repealed.

22. Chapter one hundred and ninety-nine of the Revised Statutes of Ontario, chapter twelve, of the Acts passed in the forty-first year of the reign of Her Majesty, and chapter thirty, of the Acts passed in the forty-third year of the reign of Her Majesty are hereby repealed; but all works commenced, and all proceedings had and taken thereunder, may be continued to completion as though this Act had not been passed.

FORM

FORM A.

Township of

Whereas it is found necessary that a ditch or drain should be made (deepened, *or* widened) on Lot No. in the concession of the Township of and it is necessary to continue the same through lot number in the concession of the township of (*if more than one lot describe them*).

Therefore we owners of the land hereinafter described, do agree each with the other as follows:—

That I, owner of (*describe lot*) agree that I will make (deepen *or* widen) and maintain that part of such ditch or drain commencing at stake number one planted (*describing the locality of said stake*) and thence to stake number two, and that said portion of said ditch or drain shall be (*describing depth and width*) and I owner of (*giving the name of each person, the land owned by him, the portion of work assigned, its depth, width, etc.*), and each of us agrees to have our said respective portions completed on or before the day of A.D. 18

Dated, } (Signed by the Parties.)
Witness. }

FORM B.

Township of

To

Sir,—As the owner of lot number in the concession of the Township of I require to construct a ditch or drain through said lot, and find it necessary to continue the same through your land, being lot number in the concession of the Township of under the Ditches and Watercourses Act 1883, and request that you will attend at on the day of 18 at the hour of o'clock, in the noon, with the object of agreeing, if possible, upon the respective portion of such ditch or drain to be made, deepened or widened by the several parties interested.

Dated this day, 18

Yours, &c.

FORM

FORM C.

To

Clerk of the municipality of the of

Sir,—As the owner of lot number in the concession of the Township of I require to construct a ditch or drain through said lot and it will be necessary to continue the ditch or drain through the following lands on lot number in the concession of the Township of owned by Lot number in the concession of the Township of owned by (*describe each lot through which the ditch or drain must be continued, and the name of the owner of each parcel*), and having failed to agree upon the respective portions to be made by each, I (*or* we) require the engineer appointed by the municipality for the purpose, to attend at the locality of said proposed ditch or drain on the day of 18 at the hour of o'clock in the noon, and examine the premises, hear the parties and their witnesses, and make his award under the provisions of the Ditches and Watercourses Act, 1883.

Dated.

(Signed by Party or Parties.)

FORM D.

To

Take notice that the engineer appointed by the municipality for the purpose will attend at lot number in the concession of on the day of A.D. 18 at the hour of o'clock in the noon, to examine the site of the proposed ditch or drain and make his award therein; and you as the owner of (*describe the lot*) which may be affected thereby, are requested to attend (with any witnesses you may desire to have heard) at said time and place.

Dated

Yours, &c.

FORM E.

I the engineer appointed by the Municipality of the Township of in the County of under the provisions of the Ditches and Watercourses Act, 1883, having by the requisition of owner (*or* owners) of lot number in the concession of the Township of filed with the clerk of the said municipality, representing that he (*or* they)

required a ditch or drain on said lot, and that it would be necessary to continue the ditch or drain through the following lands on lot number in the concession of the Township of owned by etc., did attend at the time and place named in said notice, and having examined the locality of said ditch or drain, and heard the parties and their witnesses (*if any*), find and award as follows :—

That lot number in the concession of the Township of would be benefited by, and requires a ditch or drain (*or* the deepening *or* widening of a ditch or drain, if already made), to enable the proper cultivation or use of the said land, and I find that said ditch or drain will require to be extended across the land of being lot number in the concession of and across the land of being lot number in the concession of the Township of (*and so on, giving the name of each owner and lot to termination of said ditch or drain*), and I award the making of said ditch or drain (*or* the deepening *or* widening as the case may be), as follows :—.....

shall commence at stake number one planted (*describe with reasonable certainty where planted*), and shall open up and maintain a ditch or drain (*describe width and depth*), to stake number two planted (*describe where planted, distance and direction from first stake*), and said portion shall be made and completed within (*name time within which to be completed*). That shall commence at stake number two, above described, and shall open up and maintain a ditch or drain (*describe width and depth*) to stake number three planted (*describe where planted, distance and direction from stake number two*), and said portion shall be made and completed within (*name time, etc.*) That shall, etc., (*and so on to the termination of said ditch or drain*).

That my costs attendant upon the examination, and making of this award are and shall be borne and paid as follows: (*give the name of the persons to be charged therewith, and the portion to be borne by each*).

Dated this day of A.D. 18

Witness. } (Signature of Engineer.)

FORM F.

To

Clerk of the Township of

I hereby certify that has completed certain work which under my award dated the day of A.D. 18 , one was ordered and adjudged to perform, and

and which the said having failed to do was by me subsequently let to the said for the sum of and the said is entitled to be paid the said amount.

I further certify that my additional fees are and that said amount and said fees are and that said amount and said fees are chargeable on (*describe property to be charged therewith*) and shall unless forthwith paid be added to the Collectors' Roll (*with interest*) as provided in the fifteenth section of the Act respecting Ditches and Watercourses, 1883.

Dated this day of A.D. 18

Engineer for

CHAPTER 28.

An Act respecting Private Asylums for Insane Persons and Inebriates.

[*Assented to* 1*st February,* 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation.

1. In this Act, and in *The Revised Statute of Ontario, respecting Private Lunatic Asylums* as amended by this Act,

(1) The word "Inspector" shall mean the Inspector appointed under "*The Prison and Asylum Inspection Act.*"

(2) "Private Asylum" shall mean a house licensed under the provisions of this Act, and "house" and "licensed house" shall include a private asylum.

LICENSE, HOW OBTAINED.

Proprietor of asylum desiring license to notify Inspector.

2. When the proprietor of a private asylum desires to obtain a license for such private asylum under the provisions of this Act, he shall give notice thereof to the Inspector.

Time notice to be sent to Inspector.

3. The notice with a plan and statement as required by section 20 of the said *Act respecting Private Lunatic Asylums,* shall be sent to the Inspector at least two weeks before such private asylum is ready for the reception of patients.

Contents of notice.

(2) Such notice shall contain the information required by section 19 of the said Act.

Inspector to report to Lieutenant-Governor.

(3) The Inspector shall thereupon visit such proposed private asylum and minutely inspect the same, and report thereon to the Lieutenant-Governor in Council.

4.

License to proprietors.

4. If the Inspector of Asylums reports that the buildings and premises referred to in the said notice are ready and fit for occupation as a private asylum for the insane, the Lieutenant-Governor in Council may issue a license to the proprietors to keep and maintain the same for the purposes of a "Private Asylum :" and such license shall continue in force until revoked by the Lieutenant-Governor in Council.

VISITORS.

Board of Visitors.

5. Every private asylum or house licensed under the provisions of this Act, or of the said Revised Statute, shall be under the supervision and inspection of a Board of Visitors, composed of the Judge (or in the case of his absence or disqualification the Junior or Deputy-Judge) of the County Court of the county wherein such private asylum is located, the Warden of such county for the time being, the Clerk of the Peace for the county, together with a local physician, who shall be appointed by the Lieutenant-Governor in Council, and shall hold office for three years unless sooner removed by the Lieutenant-Governor.

Chairman.

(2) The Judge shall be the Chairman of the Board, and the Clerk of the Peace shall be its Secretary.

Secretary.

(3) The Secretary shall perform the duties by the said Act imposed upon the Clerk of the visitors, and shall be paid for his services out of the license fees, or by the proprietors of the asylum, such allowance for his services as the Lieutenant-Governor in Council may direct.

Visitors not to have a pecuniary interest in any asylum.

6. No member of the Board of Visitors shall be pecuniarily interested in any private asylum, either directly or indirectly, and any visitor who, after his appointment, becomes interested in any private asylum, either by profits as proprietor, or by the sale of merchandise to such an asylum, or in any other way, shall thereupon become disqualified from acting, and shall not thereafter act in such capacity.

Appointment in case of disqualification of official visitor.

(2) In case a Judge or Clerk of the Peace is or becomes so disqualified, the Lieutenant-Governor may appoint some one to act in his stead; and in case a Warden is or becomes so disqualified, the county council may appoint some one to act in his stead.

Duties of visitors.

7. All duties devolving upon, or to be performed under the provisions of the said Revised Statute by the visitors appointed at the General Sessions, shall hereafter devolve upon and be performed by the said "Board of Visitors."

Oath of visitors.

8. Such visitors shall, before acting, take an oath to the following effect :—

"I A. B. do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of the Act entitled, 'An Act respecting Private Asylums for the Insane and Inebriates,

briates,' and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

(2) Such oath may be administered by any Justice of the Peace to the Clerk of the Peace, who may then administer the same to the other members of the board. By whom administered.

9. The transfer provided for by the 34th section of the said Act may hereafter be authorized by the Lieutenant-Governor in Council and not otherwise. Transfer under R. S. O. c. 221, s. 34.

10. Sections 13, 14, 15, 18, 19, 20, 21, 22, 23, 24 and 25 of the Act passed in the thirty-sixth year of Her Majesty's reign, entitled "*An Act to provide for the establishment of an Hospital for the reclamation and cure of Habitual Drunkards*," shall apply to a private asylum established under this Act, if the license granted so directs, and in applying the said Act, every private asylum so authorized shall be an hospital within the meaning of such Act, and the Superintendent of such asylum shall have the powers and duties of the Superintendent of an Hospital for Inebriates. 36 V. c. 33, ss. 13-15, and 18-25 may be made applicable to asylum by license under this Act.

(2) The 12th section of the said last mentioned Act shall not extend to any such private asylum, but the said other hereinbefore mentioned sections of such Act shall hereafter apply to females as well as males. Provisions of above Act to apply to females as well as males.

11. The provisions in the said last mentioned Act respecting the voluntary admission of inebriates shall extend to any person, whether male or female, who is a habitual consumer of stimulating or narcotic drugs to such excess as to cause mental or physical derangement or disease. Application of provisions as to voluntary admission.

12. This Act shall be read with and as part of the said *Revised Statute respecting Private Lunatic Asylums.* This Act to be read as part of R. S. O. c. 221.

13. Sections 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 18, 21, 22, 27, 28 and 29 of the said Revised Statute are hereby repealed. R. S. O. c. 221, ss. 2-7, 10-12, 14, 18, 21, 22, 27-29 repealed.

CHAPTER 29.

An Act respecting Industrial Schools.

[*Assented to 1st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any Board of School Trustees may delegate the powers, rights and privileges conferred upon such Board by "*The Industrial* Delegation of powers conferred on

School Trustees by R. S O. c. 213.

dustrial Schools Act" respecting the establishment, control and management of an Industrial School to any philanthropic society or societies incorporated under "*The Ontario Benevolent Societies Act,*" and the said society or societies to which such powers are delegated shall have and may exercise all the powers so delegated, and the said Act shall thereafter apply to the said philanthropic society or societies as fully as to the said Boards; provided, nevertheless, that the Chairman and Secretary of the Board of Public School Trustees in the city in which the Industrial School is situated and the Public School Inspector of the District shall be members of the Board of Management of said society when acting under powers delegated by the Board of Public School Trustees and the Chairman and Secretary of the Separate School Board shall be members of the Board of Management when such Society is acting under powers delegated by the Separate School Board.

(2) The by-laws of any such society shall be subject to the approval of the Lieutenant-Governor in Council.

(3) The respective School Boards shall provide the teachers necessary for the Industrial School, and the General Superintendent of the School shall, when practicable, be selected from the teachers so appointed.

Powers of County Judge etc.

2. The Judge of the County Court and, except in cities where there is a Police Magistrate, any two Justices of the Peace shall have and may exercise all the powers conferred upon Police Magistrates by the Revised Statute respecting Industrial Schools.

Interpretation.

3. "Philanthropic Society," in this Act, shall mean such philanthropic society incorporated as herein mentioned and approved by the Lieutenant-Governor in Council for the purposes of this Act.

CHAPTER 30.

An Act respecting the office of Inspector of Prisons and Public Charities, and respecting persons committed as lunatics.

[*Assented to* 1*st February,* 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Appointment of Inspectors.

1. The Lieutenant-Governor may appoint two fit and proper persons to be each an Inspector of the Public Asylums, Hospitals,

Hospitals, Common Gaols and Reformatories in this Province, other than the Provincial Penitentiary.

Lieutenant-Governor may define duties of Inspector.

2. The Lieutenant-Governor may, from time to time, by Order in Council, designate what public and other institutions requiring inspection are to be inspected by each Inspector, or by either Inspector, or by both Inspectors, and may otherwise define the duties of the Inspectors, and each of them.

R. S. O., c. 224, s. 5, and c. 220, ss. 45-54, to apply to the Senior Inspector.

3. The fifth section of "*The Prison and Asylum Inspection Act*," and the sections numbered forty-five to fifty-four, both inclusive, of *The Revised Statute respecting Lunatic Asylums, and the custody of Insane Persons*, shall apply to the Inspector for the time being whose commission bears the earlier date; and he may hereafter be referred to in any statute or otherwise as the Senior Inspector of Prisons and Public Charities.

(2) In case of the death, removal or resignation of such Senior Inspector, all the rights, powers, duties, obligations, moneys or estates under the said sections, or under anything done in pursuance thereof, which shall be vested in him, or shall belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation, shall thereupon become vested in, and shall belong to, the surviving Inspector, as the successor of the said Senior Inspector; or if there is then no other Inspector, the same shall immediately upon the first appointment of an Inspector, vest in, and belong to, the Inspector so appointed.

(3) The Lieutenant-Governor in Council may by order direct that the rights, powers, duties, obligations, moneys or estates, vested in or belonging to the Senior Inspector, shall become vested in and shall belong to the other Inspector; and thereupon the rights, powers, duties, obligations, moneys or estates, vested in or belonging to the Senior Inspector as aforesaid, shall upon and by virtue of such order become vested in and belong to the other Inspector as fully as if such Senior Inspector had died.

Reference in Statute to Inspector to apply to either Inspector.

4. Except as in the next preceding section provided, where the Inspector of Prisons and Public Charities is referred to in any Statute, by this or any other name, the reference shall be held to apply to either of such Inspectors, or to that one of them to whom the duty or power to which the reference relates, belongs under an order of the Lieutenant-Governor in Council.

Where examiners do not agree as to the mental state of a person committed as insane a second exam-

5. Where the Judge of the County Court, or the Junior or Deputy Judge, or the Justices acting for such Judge, and the Medical Practitioners, upon making a personal examination of a person committed to gaol as insane, do not agree in opinion as to whether the person so committed is or is not insane, they, or any of them, may again examine such person, and

ination may be made.

and may grant a new certificate, if upon such further examination they change their opinion as to the mental condition of such person.

Discharge of person certified as insane under R. S. O., c. 220, s. 30.

6. Where the insanity of any person committed under the warrant of any Justice or Justices of the Peace to a gaol as insane, has been duly certified under the thirtieth section of the said *Revised Statute respecting Lunatic Asylums, and the custody of Insane Persons,* and the Gaol Surgeon afterwards certifies that such person has recovered and may be safely discharged, the Sheriff shall direct the keeper of such gaol to discharge such person from custody under the said warrant, and such person shall be discharged accordingly.

CHAPTER 31.

An Act to enable the Corporation of the Town of Barrie to close up a portion of Dunlop Street in the said Town.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the corporation of the town of Barrie have by their petition represented that it is intended to erect a post-office and other public buildings on that portion of the gore or open space being part of Dunlop street in the said town hereinafter more particularly described, and have prayed that for the said purpose the said part of Dunlop street aforesaid may be closed and the same vested in the said corporation, their successors and assigns; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Part of Dunlop street closed up and vested in the corporation.

1. The portion of the said gore or open space being part of Dunlop street aforesaid, and which may be more particularly described as follows, that is to say:—Commencing at the western limit of Owen street produced, and at a distance southerly of sixty-six feet from its intersection with the northern limit of Dunlop street; thence easterly parallel to the northerly limit of Dunlop Street one hundred and eighty-two feet more or less to within sixteen feet of the production southerly of the eastern limit of town lot number ten situate on the north side of Dunlop street; thence on a course south sixty-one degrees ten minutes west for a distance of two hundred and sixty-six feet more or less to the intersection of a line drawn from the northwestern angle of the water lot in front of town lot number eight to the point of commencement; thence on a course north twenty degrees fifty minutes east following the said line drawn

as

as aforesaid one hundred and forty one feet more or less to the place of beginning and containing by admeasurement twelve thousand four hundred and sixty square feet more or less, is hereby declared to be closed and the soil and freehold thereof for ever vested in the corporation of the town of Barrie, their successors and assigns, for the purposes mentioned in the preamble to this Act.

Power to sell part closed.

2. The corporation of the town of Barrie, their successors and assigns, may sell and convey the portion of the said gore or open space so closed, or any part thereof, in fee simple, to the Government of the Dominion of Canada for the hereinbefore mentioned purposes.

CHAPTER 32.

An Act to legalize a certain By-Law of the Town of Collingwood.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the Municipal Council of the Corporation of the town of Collingwood, in the County of Simcoe, did on the twelfth day of June, in the year of our Lord, one thousand eight hundred and eighty-two, pass a by-law after the same was duly approved by the rate-payers of the said town, intituled a "By-law to raise by way of debentures the sum of twenty-five thousand dollars as a bonus to assist in the building of a dry-dock and ship-yard, with all the appliances connected therewith, in the harbour of Collingwood town," and which said by-law is numbered three hundred; and whereas the said by-law has been duly promulgated according to law, and no application or suit has been made or entered to quash the same, but in consequence of the said by-law not having been registered within the time limited by and according to the statutes in such case made and provided, and in consequence of the said by-law providing for the payment of the debentures to be issued thereunder and the interest thereon by certain special annual rates instead of by a certain specific sum to be raised annually in each year during the currency of the debt, and also of certain formal defects in the said by-law, doubts exist as to its validity; and whereas the municipal council of the corporation of the town of Collingwood have petitioned praying that, for the purpose of removing all doubts as to the validity of the said by-law arising from defects either of form or substance, an Act may be passed to confirm and legalize the said by-law, number three hundred, of the said town of Collingwood; and it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 300 of Collingwood, and debentures issued thereunder declared valid.

1. The said by-law, number three hundred, of the municipal council of the town of Collingwood, above in part recited is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued, or to be issued under the said by-law, are hereby declared valid and binding upon the said corporation of the said town of Collingwood and the ratepayers thereof.

CHAPTER 33.

An Act to consolidate the general Debenture Debt of the Village of Elora.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the corporation of the village of Elora, by their petition, have represented that they have incurred a general debenture debt to the amount of twenty-three thousand five hundred dollars, exclusive of the amount of one thousand eight hundred dollars, incurred for public school purposes, secured by the debentures of the corporation, and have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for that purpose, less the sum of three thousand five hundred dollars, being the amount now at the credit of the sinking fund in respect of said outstanding debentures, and which last mentioned amount is to be applied to the full extent towards payment of said outstanding debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated at the sum of $23,500.

1. The said general debenture debt of the corporation of the village of Elora, exclusive of the sum of one thousand eight hundred dollars incurred for public school purposes, is hereby consolidated at the sum of twenty-three thousand five hundred dollars; and it shall and may be lawful for the said corporation of the village of Elora, to raise by way of loan, upon the credit of the debentures, hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding twenty thousand dollars of lawful money of

of Canada, said last mentioned sum being the amount of the said existing general debenture debt, exclusive of the said amount of one thousand eight hundred dollars incurred for public school purposes, and less the amount mentioned in the preamble to this Act as now standing to the credit of the sinking fund in respect thereof.

Authority to pass by-laws for new debentures.

2. It shall and may be lawful for the said corporation of the village of Elora to pass a by-law or by-laws, authorizing the said loan of twenty thousand dollars, and the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated General Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the passing of any by-law under this Act or to observe the formalities in relation thereto prescribed by the Municipal Act.

Debentures may be issued to the amount of $20,000.

4. It shall and may be lawful for the municipal council of the said corporation of the village of Elora, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the reeve and countersigned by the treasurer of the said village for the time being, for such sums, not exceeding in the whole the said sum of twenty thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable yearly.

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, in Great Britain, or elsewhere, as the said council may by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year for twenty-five years from the time at which the by-law authorizing the issue of the same shall take effect, except in the years one thousand eight hundred and ninety and one thousand eight hundred and ninety-one, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, but the interest on the debentures so to be issued under this Act shall be payable and shall be levied for and paid in the said years one thousand eight hundred and ninety and one thousand eight hundred and ninety-one,

ninety-one, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of funds.

6. The funds derived from the negotiation and sale of the debentures authorized by this Act, together with the said sum of three thousand five hundred dollars now at the credit of the sinking fund mentioned in the preamble to this Act, shall be applied in and to the payment of the said existing general debenture debt of twenty-three thousand five hundred dollars, and not otherwise, and shall for that purpose be deposited, until required, in some chartered bank of Canada, in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or Government shall from time to time agree upon, or in such other securities as may be authorized by the Lieutenant-Governor in Council, and shall only be withdrawn therefrom as the same may be required, from time to time, for the payment and redemption of the said outstanding debenture debt and other liabilities, or any part thereof, and not otherwise.

Outstanding debentures may be called in.

7. The treasurer of the said village shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act and out of the moneys standing to the credit of said sinking fund as aforesaid, or may, with the like consent, substitute therefor the said debentures, or any of them authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

By-laws not to be repealed until debt satisfied.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Investment of moneys raised by special rate.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said village for the time being, to invest, from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment of the said moneys, as hereinafter mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act, for the then current year, in either the bank or Government securities, mentioned in the sixth section of this Act, as the said council shall direct, and on such terms as the said council and bank or Government shall agree upon, or in such other securities as may be authorized by the Lieutenant-Governor in Council, and such moneys shall only be withdrawn therefrom,

as

as the same may be required, from time to time, for the payment and redemption of the said last mentioned debentures, or the said outstanding debentures, and other liabilities, or any part thereof, and to apply the residue of such moneys, from time to time, to the payment of the interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Inconsistent provisions in Municipal Act not to apply.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Irregularity not to render by-law or debentures invalid.

Liability of corporation not discharged.

11. Nothing in this Act contained shall be held or taken to discharge the corporation of the village of Elora from any indebtedness or liability which may not be included in the said debt of twenty-three thousand five hundred dollars.

Proviso as to outstanding school debentures.

12. Notwithstanding anything in this Act contained, all the now outstanding debentures of the said corporation of the village of Elora, which are public school debentures, or which have been, issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said village of Elora are not now liable or compellable to be rated or assessed shall be provided for, retired, and paid in all respects as if this Act had not been passed.

CHAPTER 34.

An Act respecting the Debt of the City of Hamilton.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the corporation of the city of Hamilton are indebted in respect of outstanding debentures issued under the "City of Hamilton Debentures Act, 1864," in the sum of two millions two hundred and three thousand four hundred and ninety-seven dollars and forty-six cents, or thereabouts; and whereas the said corporation have petitioned for authority, to issue debentures, from time to time, in order to raise funds for the redemption of the said outstanding debentures, or for the purpose of being exchanged for the said outstanding

standing debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures to an amount not exceeding $2,000,000 authorized.

1. The said corporation of the city of Hamilton may issue debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding two millions of dollars in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province, or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Money may be borrowed on debentures, or debentures may be sold.

2. The corporation of the said city may, for the purpose hereinafter mentioned, raise money by way of loan, on the said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Time debentures are to run.

3. The said debentures shall be payable in not less than twenty, nor more than thirty, years from the date thereof, as the said corporation may direct; coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of April and October in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum.

Application of debentures and moneys arising therefrom.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the now outstanding debentures of the city of Hamilton, issued under the "City of Hamilton Debentures Act, 1864," and in no other manner and for no other purpose whatsoever.

Outstanding debentures may be called in with consent of present holders.

5. The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said debentures, or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

Special rate for payment of debentures.

6. For payment of the debentures to be issued under this Act the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year and over and above all interest to be paid on such debentures),

debentures), which shall be sufficient to form a sinking fund of one per centum per annum for that purpose.

Money at credit of sinking fund may be used to redeem outstanding debentures.

7. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said outstanding debentures of the said city, issued under the "City of Hamilton Debentures Act of 1864," or in the redemption of the debentures issued under the authority of this Act, and no such moneys of the sinking fund created by this Act shall be invested in securities other than the said debentures, without the sanction of the Lieutenant-Governor in Council.

Special rate to be entered in a separate column on collector's roll.

8. The special rate for the interest and sinking fund for payment of the debentures to be issued under the authority of this Act shall in each and every year, during the continuance of said debentures, be inserted in a separate and distinct column on the collector's roll of said city, and shall not be included with any other rate or rates.

Forms.

9. The debentures issued under this Act may be in the form contained in the Schedule A to this Act, and the by-law or by-laws for the special rate for payment of the interest and to form a distinct fund for the payment of the said debentures, may be in the form of Schedule B to this Act.

Irregularities in forms not to invalidate debentures.

10. No irregularity in the form either of the said debentures or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Assent of electors to any by-law under this Act not required.

11. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by the Municipal Act or any Act amending the same.

Provisions of "City of Hamilton Debentures Act of 1864" to be superseded as debentures are issued under this Act.

12. The provisions of the "City of Hamilton Debentures Act of 1864" shall be superseded by the provisions of this Act to the extent of so much of the now outstanding debentures as may under this Act be from time to time exchanged or redeemed, as and when new debentures in lieu thereof shall from time to time be issued under this Act, and shall be substituted for or be used for redeeming the said outstanding debentures issued under the former Act.

Additional charges to be collected from ratepayers making default.

13. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, by the fifteenth day of December in any year, or within sixty days thereafter, or if any taxes assessed on the assessable property of non-residents shall be in arrear for sixty days after the said fifteenth day of December in any year, every person so in arrrear and his assessable property shall, after the expiration of the respective sixty

sixty days, be held liable to pay to the corporation an addition of twenty-five per centum to the said rate or rates so imposed, and the increased sum shall be so payable not as a penalty but as liquidated damages for the delay; and the collector or collectors shall have the like powers for levying the said addition to the rate or rates as they had for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on the ratepayer; and it shall not be in the power of the council to remit such increased rate, or to interfere with or alter the assessment roll after the same shall have been finally revised; and the remission of such increased rate, or of any rate so finally revised and confirmed, shall be absolutely null and void, and the members of the council assenting thereto shall be severally liable to make good the same at the suit of any ratepayer or creditor who may elect to sue therefor, for the benefit of the corporation.

Debentures issued under this Act to have priority.

14. The debentures to be issued under this Act shall have the same priority over all debentures, bonds or obligations of the corporation which heretofore have been or may be hereafter issued or granted for borrowed money, as the debentures issued under the "City of Hamilton Debentures Act of 1864," and shall rank *pari passu* with such of said last mentioned debentures as may from time to time remain unredeemed.

Proviso as to outstanding school debentures.

15. Notwithstanding anything in this Act contained, all of the said now outstanding debentures which are Public School debentures, or which have been issued for Public School purposes, or which are debentures for or towards the payment of which the supporters of Separate Schools, or their property, in the said City of Hamilton are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed.

Short title.

16. This Act may be cited as "The City of Hamilton Debentures Act of 1883."

SCHEDULE A.

PROVINCE OF ONTARIO—CITY OF HAMILTON.

Debenture.

Under and by virtue of an Act respecting the Debt of the city of Hamilton, 1883, the corporation of the city of Hamilton promise to pay the bearer at
the sum of
on the day of one thousand hundred and , and the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Hamilton, Ontario, this day of A.D. 18

SCHEDULE

SCHEDULE B.

By-law to authorize the issue of debentures under the authority of an Act respecting the Debt of the City of Hamilton, 1883, and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of $2,000,000 in the whole, as the corporation of the city of Hamilton may direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of dollars, payable on the day of with interest thereon at the rate of per cent. per annum payable half-yearly, according to the coupons to the said debentures attached.

And whereas, the said Act requires for payment of the debentures to be issued thereunder, that the council shall impose a special rate which shall be sufficient to form a sinking fund of one per cent. over and above all interest to be paid on said debentures, and it will require the sum of to be raised annually for the said interest and sinking fund.

And whereas, the amount of the whole ratable property of the city of Hamilton according to the last revised assessment roll of the said city being for the year one thousand eight hundred and was

1. That debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum payable half-yearly, on the first days of April and October in each year.

3. That for the purpose of forming a sinking fund of one per cent. for the payment of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of shall over and above and in addition to all other sums or rates be raised, levied, and collected in each year upon all the ratable property in the said city of Hamilton, during the continuance of the debentures or any of them.

This By-law passed in open council this day of in the year of our Lord one thousand hundred and .

CHAPTER 35.

An Act to amend the City of Hamilton Debentures Act, 1864.

[*Assented to* 1*st February*, 1883.]

WHEREAS the corporation of the city of Hamilton have, by their petition, prayed for an amendment to the Act amending "The City of Hamilton Debentures Act, 1864," and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

27-28 V. c. 72, s. 8 amended.

1. Section eight of the said "The City of Hamilton Debentures Act, 1864," is hereby amended by striking out the word "two" in the fifth line thereof, and substituting the word "one" therefor.

CHAPTER 36.

An Act to authorize the Corporation of the Town of Lindsay to sell or lease certain lands.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS applications have been made to the corporation of the town of Lindsay, by various persons, to lease for a term of years and to purchase certain hereinafter described lands; and whereas the corporation of the said town of Lindsay have by their petition prayed for the passing of an Act to empower them to lease or sell the said lands, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell or lease lands.

1. The corporation of the town of Lindsay is hereby authorized and shall have full power and authority to sell and absolutely dispose of in fee simple or to lease for a term of years the following lands, or any part thereof, namely: All that property in the town of Lindsay, known as Market or Queen's Square, which said property is more particularly described in a plan or survey thereof made by Michael Dean, P.L.S., saving and excepting however so much of the said square as lies north of Kent Street in said town, and is now used as a public market square.

2.

2. Any deed or lease executed by the said corporation under their corporate seal shall be valid and binding, so as to vest in the purchasers or lessees the estate and interest of the corporation professing to be conveyed respectively by any such deed or lease, subject only to rights granted therein or incumbrances or liens created thereupon by the said corporation or other competent authority prior to such sale or leasing. Title of purchasers and lessees.

3. The proceeds of such sales or leases of the said lands, as the same may from time to time be paid or as the same may come in, may be, by the said corporation, invested for the benefit of the said town of Lindsay to the best advantage. Application of proceeds.

4. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by the Municipal Institutions Act of Ontario, or any Act amending the same. Assent of electors not required.

CHAPTER 37.

An Act to authorize the Corporation of the City of London to borrow one hundred and seventy-five thousand dollars, and to explain the Act respecting the debt of the City of London.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS the Municipal Council of the Corporation of the City of London, have presented their petition praying for the passing of an Act to enable the said Corporation to borrow the sum of one hundred and seventy-five thousand dollars for the purpose of paying their floating and other debt, not covered by the debentures issued under the authority of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-five, and intituled "An Act respecting the debt of the City of London," and to issue debentures therefor; and whereas said debt has been incurred by said Council for permanent improvements made within said city; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation authorized to borrow $175,000 to pay floating debt, notwithstanding limit im-

1. For and notwithstanding the provisions of section seven of the said in part recited Act, or of any other Act, it shall be lawful for the council of the said Corporation, from time to time, to pass by-laws for borrowing upon the credit of the said Corporation such sums as may be necessary for paying the

posed by 35 Vic. c. 75, s. 7.

the said present floating and other debt of the said Corporation, not covered by the debentures mentioned in the preamble to this Act: Provided that the sums so to be borrowed under this Act shall not in the whole exceed the sum of one hundred and seventy-five thousand dollars.

Power to issue debentures to an amount not exceeding $175,000.

2. The said Corporation may issue debentures under the Corporation seal, signed by the mayor and countersigned by the Treasurer of the said City for the time being, for such sums as shall be authorized by any by-law or by-laws passed under the authority of this Act, as hereinbefore mentioned, and not exceeding in the whole the said sum of one hundred and seventy-five thousand dollars, and the principal sum secured by such debentures and the interest accruing thereon may be made payable in sterling money of Great Britain, or in such other currency as may seem best, and in the Province or in Great Britain, or elsewhere as to the said Council may seem expedient.

Time debentures to be payable, and rate of interest thereon.

3. The debentures to be issued as aforesaid shall be made payable not less than twenty nor more than thirty years from the date thereof, as the said Council may direct, and the interest thereon, at a rate not exceeding six per cent., may be made payable half yearly, and coupons for the payment thereof may be attached to the said debentures.

Application of moneys.

4. The moneys to be borrowed as aforesaid shall be applied by the said Council in payment of the said floating and other debt mentioned in the preamble to this Act, and for no other purpose whatsoever.

Floating debt of Water Commissioners to be deemed part of floating debt of city.

5. The now existing floating debt of the Water Commissioners for the City of London shall, for the purposes of this Act, be deemed part of the said floating debt of the said Corporation of the said city.

Irregularities not to invalidate debentures.

6. No irregularity in the form of the said debentures, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of the passing of such by-law or issue of such debentures or the application of the proceeds thereof.

Assent of electors not required.

7. The by-laws provided for by this Act shall not require to be submitted for or to receive the assent of the electors of the said City before the final passing thereof, but the other provisions of the Municipal Act shall apply thereto.

35 V. c. 75, s. 7, not to apply to local improvement debentures.

8. The provisions of section seven of the said in part recited Act do not extend or apply to Local Improvement Debentures issued under the authority of the Municipal Act.

CHAPTER

CHAPTER 38.

An Act respecting By-law number two hundred and fifty-nine of the Corporation of the County of Oxford.

[*Assented to* 1*st February*, 1883.]

Preamble. WHEREAS by a certain by-law of the municipality of the county of Oxford, passed in the year one thousand eight hundred and seventy-four, for the purpose of granting a bonus in aid of the Credit Valley Railway, it was required that a sum of ten thousand dollars a year should be raised as a sinking fund for the payment of debentures issued under the said by-law; and whereas the interest on the said debentures has been paid regularly, but no portion of the sinking fund has heretofore been raised, and the amount of the said sinking fund now in arrear is ninety thousand dollars or thereabouts; and whereas it is proposed to provide for raising the said sum of ninety thousand dollars by an annual rate to be paid during the next eleven years; and whereas the municipal council of the county of Oxford have petitioned praying that for the said purpose an Act may be passed to confirm and legalize a by-law of the said council passed on the eighth day of December, in the year of our Lord, one thousand eight hundred and eighty-two, intituled "A by-law to provide for and authorize the raising from the municipalities interested in the Credit Valley Railway bonus, the sum of two hundred thousand dollars to make up the Sinking Fund provided for in by-law number one hundred and seventy-five of the county of Oxford"; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed. **1.** The said by-law numbered two hundred and fifty-nine of the municipal council of the corporation of the county of Oxford, set forth in Schedule A hereto, is hereby confirmed and declared legal and valid, and binding upon the corporation of the county of Oxford and the ratepayers thereof.

SCHEDULE A.

BY-LAW TWO HUNDRED AND FIFTY-NINE.

A by-law to provide for and authorize the raising from the municipalities interested in the Credit Valley Railway bonus the sum of two hundred thousand dollars ($200,000) to make up

up the sinking fund provided for in by-law number one hundred and seventy-five of the county of Oxford:

Whereas the provisions of by-law number one hundred and seventy-five for the raising of a sinking fund of ten thousand dollars ($10,000) per year for the payment of debentures issued under the said by-law, have been disregarded and not complied with;

And whereas no rates other than sufficient to pay the interest on the said debentures have been levied and collected from the municipalities interested during the several years from one thousand eight hundred and seventy-four to one thousand eight hundred and eighty-two inclusive;

And whereas it is expedient and necessary to obey and carry out the provisions of the said by-law number one hundred and seventy-five, and to provide for and authorize the raising of the sum of ninety thousand dollars ($90,000) to make up the sinking fund for the years one thousand eight hundred and seventy-four to one thousand eight hundred and eighty-two inclusive, for the payment of the debentures issued under the said by-law;

And whereas it is just and in accordance with the said by-law number one hundred and seventy-five, that the said amount of ninety thousand dollars shall be levied and collected from the municipalities interested, proportionately upon the equalized assessments of the said municipalities for the several years from one thousand eight hundred and seventy-four to one thousand eight hundred and eighty-two inclusive;

And whereas it is not expedient or necessary to levy and collect from said municipalities interested, the whole ninety thousand dollars ($90,000), in one year, but to divide the said ninety thousand dollars ($90,000), into eleven parts, of eight thousand one hundred and eighty-two dollars ($8,182) each, to be levied and collected from the said municipalites in the years from one thousand eight hundred and eighty three to one thousand eight hundred and ninety-three inclusive:

Be it therefore enacted by the municipal council of the county of Oxford, that the said sum of ninety thousand dollars ($90,000) to make up the sinking fund for the years one thousand eight hundred and seventy-four to one thousand eight hundred and eighty-two inclusive, for the payment of the debentures issued under by-law number one hundred and seventy-five, shall be raised, levied and collected from the several municipalities interested proportionately based upon the equalized assessments of the several municipalities for the years one thousand eight hundred and seventy-four to one thousand eight hundred and eighty-two inclusive:

And be it further enacted that the said sum of ninety thousand dollars ($90,000) be divided into eleven equal parts, of eight thousand one hundred and eighty-two dollars ($8,182) each, to be levied and collected annually from the municipalities

ties interested, in addition to the further sum of ten thousand dollars ($10,000), based upon the equalized assessments of the years one thousand eight hundred and eighty-three to one thousand eight hundred and ninety-three inclusive, in the years one thousand eight hundred and eighty-three to one thousand eight hundred and ninety-three inclusive:

And be it further enacted that the said sum of eight thousand one hundred and eighty-two dollars ($8,182) as apportioned to the several municipalities in the schedule hereto annexed, and which schedule shall form part of this by-law, shall be levied and collected, in addition to their respective shares of the said further sum of ten thousand dollars ($10,000), and paid over by the treasurers of the several municipalities therein named to the county treasurer, on or before the fourteenth day of December, in each of the years from one thousand eight hundred and eighty-three to one thousand eight hundred and ninety-three both inclusive:

And be it further enacted that the interest, as it accrues upon the deposited principal, shall be annually distributed among the several municipalities grouped under the said by-law numbered one hundred and seventy-five, in proportion to their several annual equalized assessments.

SCHEDULE.

MUNICIPALITY.	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893
	$	$	$	$	$	$	$	$	$	$	$
Blandford	631	631	631	631	631	631	631	631	631	631	631
Blenheim	1511	1511	1511	1511	1511	1511	1511	1511	1511	1511	1511
Dereham	1520	1520	1520	1520	1520	1520	1520	1520	1520	1520	1520
North Oxford	492	492	492	492	492	492	492	492	492	492	492
East Oxford	838	838	838	838	838	838	838	838	838	838	838
West Oxford	601	601	601	601	601	601	601	601	601	601	601
East Zorra	1381	1381	1381	1381	1381	1381	1381	1381	1381	1381	1381
Woodstock	661	661	661	661	661	661	661	661	661	661	661
Ingersoll	547	547	547	547	547	547	547	547	547	547	547
Total	8182	8182	8182	8182	8182	8182	8182	8182	8182	8182	8182

Read a third time and passed, December 8th, 1882.

JAMES WHITE, *County Clerk.* { L. S. } M. S. SMITH, *Warden.*

CHAPTER

CHAPTER 39.

An Act to legalize, confirm and declare valid certain By-laws of the Corporation of the Village of Renfrew.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the corporation of the village of Renfrew have, by their petition, set forth that the said corporation has passed the following by-laws, namely, a by-law intituled "By-Law No. 240 : A By-Law to aid and assist the Kingston and Pembroke Railway Company by granting a bonus thereto of three thousand dollars," passed on the twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-two, and set out in schedule A to this Act ; also a by-law intituled "By-law No. 243 : A By-Law to exempt the property, real and personal, of the Kingston and Pembroke Railway Company in the village of Renfrew from municipal and school taxes," passed on the twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-two, and set out in schedule B to this Act ; and have prayed that an Act may be passed legalizing, confirming and declaring valid the said by-laws ; and whereas it appears that the said by-law firstly mentioned was duly submitted to the electors of the said municipality as by the statute in that behalf made and provided is directed, and has been duly adopted by the said electors ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law set out in schedule A confirmed.

1. The by-law of the corporation of the village of Renfrew first above in the preamble to this Act mentioned, intituled "By-law No. 240 : A By-law to aid and assist the Kingston and Pembroke Railway Company by granting a bonus thereto of three thousand dollars," passed on the twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-two, and set out in schedule A to this Act, is hereby legalized, confirmed and declared to be valid, notwithstanding anything in any Act to the contrary thereof.

By-law set out in schedule B confirmed.

2. The by-law of the said corporation of the village of Renfrew secondly above in the preamble to this Act mentioned, intituled "By-law No. 243 : A By-law to exempt the property, real and personal, of the Kingston and Pembroke Railway Company in the village of Renfrew from municipal and school taxes," passed on the twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-two,

two, and set out in schedule B to this Act, is hereby legalized, confirmed and declared to be valid, notwithstanding anything in any Act to the contrary thereof.

3. The provisions of the said respective by-laws shall have the same force as if the same were incorporated in this Act, and formed a part of this Act, but subject to this Act. By-laws to have same force as if incorporated in this Act.

SCHEDULE A.

(Section 1.)

BY-LAW NUMBER 240 :

A By-law to aid and assist the Kingston and Pembroke Railway Company by granting a bonus thereto of three thousand dollars.

Whereas by the "Kingston and Pembroke Railway Act," passed in the session of the Parliament of the Dominion of Canada held in the thirty-fourth year of Her Majesty's reign, the Kingston and Pembroke Railway Company has been incorporated ; and whereas by an Act of the Legislature of the Province of Ontario, chaptered one hundred and seventy-four of the Revised Statutes of Ontario, municipalities are authorized to grant bonuses to any railway company in aid of such railway ;

And whereas it is expedient to grant a bonus of three thousand dollars to the said Kingston and Pembroke Railway Company to aid and assist the construction of said railway, and to exempt the property, real and personal, of the said railway company from taxation in the village of Renfrew for the period of twenty years, upon the condition that the line of said railway comes within the limits of the municipality of the village of Renfrew ;

And whereas, for such purpose, it is necessary for the council of the municipality of the village of Renfrew to raise the sum of three thousand dollars in the manner hereinafter mentioned ;

And whereas it will require the sum of three hundred and thirty dollars to be raised annually by special rate for the payment of the said sum and interest as also hereinafter mentioned ;

And whereas the amount of the whole ratable property of the said municipality, irrespective of any future increase of the same, and irrespective of any income from any stock, shares or interest in the said work ; and also irrespective of any income to be derived from the temporary investment of the sinking fund hereinafter mentioned, or any part thereof, according to the last revised assessment roll of the said municipality, being for

for the year one thousand eight hundred and eighty-two, was three hundred and thirty-six thousand four hundred and ninety dollars ($336,490) ;

And whereas the amount of the existing debenture debt of the said municipality is as follows : for principal the sum of twenty-nine thousand dollars, and for interest nothing ;

And whereas, for paying the interest and creating a yearly sinking fund for payment of the said sum of three thousand dollars, it will require an equal yearly rate of one mill in the dollar in addition to all other rates to be levied in each year ;

Be it therefore enacted by the council of the municipality of the village of Renfrew :

1. That it shall be lawful for the said municipality to aid and assist the Kingston and Pembroke Railway Company in the construction of their railway to the point of junction with the Canada Pacific Railway in the village of Renfrew, by giving thereto the sum of three thousand dollars in debentures by way of bonus.

2. That it shall be lawful for the said municipality to cause any number of debentures to be made for such sums of money as may be required, and not less than one hundred dollars each ; and that the said debentures shall be sealed with the seal of the corporation of the village of Renfrew, and be signed by the reeve, and together shall not exceed the sum of three thousand dollars.

3. That the said debentures shall be made payable at the expiration of twenty years from the passing of this by-law at the office of the Merchants Bank of Canada, in Renfrew ; and the said debentures shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at and after the rate of six per centum yearly, from the date thereof, which interest shall be payable on the thirtieth day of June and on the thirty-first day of December in each year, at the office of the Merchants Bank aforesaid.

5. That for the purpose of forming a sinking fund for the payment of said debentures, and the interest to become due thereon, an equal yearly special rate of one mill in the dollar, in addition to all other rates, be raised, levied, and collected in each year upon all ratable property in the said municipality during the continuance of said debentures or any of them.

6. That this by-law shall take effect and come into operation upon the thirty-first day of December, in the year of our Lord one thousand eight hundred and eighty-two.

7. Provided, nevertheless, that the reeve of the said municipality shall deliver said debentures to John Donald McDonald and James Stewart of the village of Renfrew, and James Wilson of the city of Kingston, as trustees, to hold the same upon the trusts and subject to the conditions following ; and upon the fulfilment of such conditions to the satisfaction of such trustees, to deliver the said debentures and interest coupons

coupons then attached to the Kingston and Pembroke Railway Company; and said trustees shall execute a declaration of trust reciting this by-law, and the trusts and conditions following, that is to say:

(1) That said debentures or any of them shall not be delivered to the said railway company until the line of railway is constructed, with rails laid and trains running to a point in the village of Renfrew; and in the meantime that all coupons for interest which has accrued due shall be detached from the said debentures and delivered to the village treasurer for the use and benefit of the corporation of the village of Renfrew.

(2) That in the event of the said line of railway not being constructed, with rails laid and trains running to a point on the village of Renfrew, on or before the thirty-first day of December, one thousand eight hundred and eighty-four, then in that case the said debentures shall become null and void, and the said trustees shall deliver the same to the treasurer of the village of Renfrew, for the use and benefit of the corporation of said village.

(3) That so soon as the line of the said railway is constructed, with rails laid and trains running to a point in the village of Renfrew, if such happens on or before the thirty-first day of December, one thousand eight hundred and eighty-four, then the said trustees shall deliver to the said Kingston and Pembroke Railway Company, or its duly authorized agent or assignee, the whole of the said debentures with coupons attached, representing three thousand dollars.

(4) That at any time before the said debentures, or any part thereof, shall have been delivered over by the said trustees to the said railway company, the said corporation of the village of Renfrew shall have the privilege and option of redeeming said debentures with cash at par, and thereupon said cash shall remain in the hands of the said trustees, subject to the same trusts as are herein declared respecting said debentures.

(5) In the event of the said Kingston and Pembroke Railway Company becoming amalgamated with or merged in the Canada Pacific Railway Company, the said Kingston and Pembroke Railway Company shall pay to the corporation of the village of Renfrew the sum of three thousand dollars, and the Kingston and Pembroke Railway Company shall, before said debentures or any of them are handed over by the said trustees, give its bond to the corporation of the said village conditioned for the payment of said sum of three thousand dollars, upon the event aforesaid occurring.

(6) That the costs and expenses of submitting this by-law for the approval of the ratepayers, and of any legislation that may be necessary to legalize the same, if approved by the ratepayers, and the cost and expenses of printing and issuing the debentures, shall be borne and paid by the Kingston and Pembroke Railway Company.

And

And whereas this by-law requires the assent of the electors of the village of Renfrew aforesaid, before the final passing thereof:

Therefore for the purpose of taking the votes of the electors thereon, the council of the corporation of the said village do hereby fix Wednesday, the sixth day of September, in the year of our Lord one thousand eight hundred and eighty-two, at the Town Hall in the village of Renfrew aforesaid, commencing at the hour of nine o'clock in the forenoon of the same day, and closing at the hour of five o'clock in the afternoon, and the said council do hereby appoint Robert Drysdale, the clerk of the said village, to be the returning officer to take such votes; and the clerk of the council of the said village of Renfrew shall sum up the number of votes given for and against this by-law at his office in the village of Renfrew, at the hour of two o'clock in the afternoon of the seventh day of September, in the year of our Lord one thousand eight hundred and eighty-two; and the appointment of persons to attend at the polling place, and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested and opposing or promoting the passage of this by-law respectively, will take place at the office of the said clerk of the said village of Renfrew, at the hour of eleven o'clock in the forenoon of the second day of September, one thousand eight hundred and eighty-two.

Passed the 12th day of September, A.D. 1882.

Certified.

(Signed) P. S. STEWART,
Reeve.
R. DRYSDALE, { L. S. }
Clerk.

SCHEDULE B.

(Section 2.)

BY-LAW NUMBER 243:

A By-law to exempt the property, real and personal, of the Kingston and Pembroke Railway Company in the Village of Renfrew from Municipal and School Taxes.

Passed the 12th day of September, A.D. 1882.

Whereas it is expedient to exempt from municipal and school taxes the real and personal property of the Kingston and Pembroke Railway Company;

Be it therefore enacted by the council of the municipality of the village of Renfrew as follows, that is to say:

1. That the real and personal property required and used by the Kingston and Pembroke Railway Company, for its railway

way purposes within the limits of the village of Renfrew, or any extension thereof, and all other property, real and personal, of the said railway company, shall be exempt from the payment of municipal and school taxes in the said village, for the period of twenty years from and after this by-law takes effect.

2. In the event of the Kingston and Pembroke Railway Company becoming amalgamated with or merged in the Canada Pacific Railway Company before the expiration of the said period of twenty years, the exemption from taxation hereby granted shall thereupon cease and determine.

3. This by-law shall come into force and take effect from and after the first day of January, in the year of our Lord one thousand eight hundred and eighty-three.

Certified.

(Signed) P. S. STEWART,
Reeve. { L. S. }
R. DRYSDALE,
Clerk.

CHAPTER 40.

An Act to authorize the Township of Rochester to borrow certain moneys.

[*Assented to* 1*st February*, 1883.]

Preamble. WHEREAS the corporation of the township of Rochester by their petition have represented that they have incurred debts and liabilities for the construction of drains to the amount of eight thousand eight hundred and thirty dollars, which sum is secured by the debentures of the corporation; and they have also incurred other liabilities to the amount of four thousand and sixty-nine dollars; that the redemption of the said debentures and the payment of the other liabilities at the same time would be oppressive to the ratepayers; and have therefore prayed that they may be authorized to issue debentures for the purpose of providing funds to meet said last-mentioned liability of four thousand and sixty-nine dollars; and whereas it is expedient to grant the prayer of the said petition, and to enable the said corporation to issue for the purpose aforesaid additional debentures for a sum not exceeding five thousand dollars;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Debts consolidated at the sum of $5,000.

1. For the purpose of providing funds to meet and pay the said present liabilities of four thousand and sixty-nine dollars

Power to borrow.

dollars mentioned in the preamble to this Act, it shall and may be lawful to and for the said corporation of the township of Rochester to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same, a sum of money not exceeding five thousand dollars of the lawful money of Canada.

Authority to pass by-law for issue of new debentures.

2. It shall and may be lawful for the said corporation of the township of Rochester to pass a by-law or by-laws authorizing the said loan of five thousand dollars, and the issuing of the debentures therefor in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Special Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal when the same shall fall due of the said debentures last mentioned.

Assent of electors to by-law not required.

3. It shall not be necessary to obtain the assent of the electors of the said township of Rochester to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "The Municipal Act."

Issue of debentures to the amount of $5,000 authorized.

4. It shall and may be lawful for the municipal council of the said corporation of the township of Rochester after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the reeve and countersigned by the treasurer and clerk of the said township for the time being, for such sums not exceeding in the whole the said sum of five thousand dollars as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum.

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act with the interest accruing thereon may be made payable either in this Province or elsewhere as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for fifteen years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

6.

Application of proceeds of debentures.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of four thousand and sixty-nine dollars specially mentioned in the preamble to this Act, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada, at the town of Windsor, or elsewhere in this Province, or invested in government securities or stock either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment of the said debts and liabilities so amounting as aforesaid to four thousand and sixty-nine dollars or some part thereof and not otherwise.

Outstanding debentures may be called in.

7. The treasurer of the said township, on receiving instructions from the said council so to do from time to time, shall discharge and satisfy the said debts of four thousand and sixty-nine dollars with the funds raised under this Act.

By-law authorizing loan not to be repealed until debt satisfied.

8. Any by-law to be passed under the second section of this Act and in pursuance of the provisions of this Act, authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Inconsistent provisions in Municipal Act not to apply.

9. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Irregularity not to render by-law or debentures invalid.

Liability of corporation not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Rochester from any indebtedness or liability which may not be included in the said debt of four thousand and sixty-nine dollars.

CHAPTER

CHAPTER 41.

An Act to legalize certain By laws of the Town of Sarnia, and for other purposes.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS the municipal council of the town of Sarnia, in the county of Lambton, have represented that they have passed certain by-laws granting aid to manufacturers and for other purposes, and that doubts have arisen as to the legality of the said by-laws, and have petitioned for an Act to confirm the said by-laws of the said town, numbered respectively two hundred and twenty-nine, for extending the waterworks system of the town of Sarnia in the fourth ward of the said town; two hundred and thirty, for granting a bonus for the establishing of a stove factory in the town of Sarnia; two hundred and twenty-three, for granting a bonus for the establishment of an agricultural implement factory in the said town of Sarnia; two hundred and eleven for providing for the construction of a cedar block pavement and sewer in and through Front street, between the north limit of George street and the south limit of Nelson street, in the town of Sarnia; two hundred and thirty-two, providing for the construction of a brick and tile sewer on and through Cromwell street, from the river St. Clair to Christina street, and on Christina street from Cromwell street north to Nelson street, and to provide for the payment of the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws 229, 230, 223, 211, 232 of the town of Sarnia confirmed.

1. The following by-laws passed by the municipal council of the town of Sarnia, that is to say, by-law number two hundred and twenty-nine, passed on the eighth day of May, one thousand eight hundred and eighty-two, intituled "A by-law to raise the sum of $5,500 by the issue of debentures to extend and establish the waterworks system of the town of Sarnia, in the fourth ward of the said town;"

By-law number two hundred and thirty, passed on the eighth day of May, one thousand eight hundred and eighty-two intituled "A by-law to raise the sum of $7,000, by issue of debentures to be given as a bonus for the establishment of a stove factory in the town of Sarnia;"

By-law number two hundred and twenty-three, passed on the twentieth day of March, one thousand eight hundred and eighty-two, and intituled "A by-law to raise the sum of $5,500 by issue of debentures, to be given as a bonus for the establishment of an agricultural implement factory in the town of Sarnia;"

By-law

By-law number two hundred and eleven, passed on the thirteenth day of June, one thousand eight hundred and eighty-one, intituled "A by-law to provide for the construction of a cedar block pavement and sewer on and through Front street between the north limit of George street and the south limit of Nelson street in the town of Sarnia;"

By-law number two hundred and thirty-two, passed on the eleventh day of July, one thousand eight hundred and eighty-two, intituled "A by-law to provide for the construction of a brick and tile sewer on and through Cromwell street from the river St. Clair to Christina street and on Christina street from Cromwell street north to Nelson street and to provide for the payment of the same;"

And all debentures issued or to be issued under such by-laws and each of them shall be and the same are hereby declared to be good, valid, legal, binding and effectual, and the said by-laws and each of them shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof any law, usage or custom to the contrary notwithstanding.

CHAPTER 42.

An Act to amend "An Act relating to the Municipality of Shuniah, and the tax imposed on lands in the District of Algoma."

[*Assented to* 1*st February,* 1883.]

Preamble. WHEREAS the corporation of the municipality of Shuniah have, by their petition, prayed that an Act may be passed to amend the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered thirty-seven, intituled "An Act relating to the Municipality of Shuniah, and the tax imposed on lands in the District of Algoma," and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands to be assessed under R. S. O. c. 180. 1. Notwithstanding anything contained in the several Acts of the Legislature of the Province of Ontario relating to the Municipality of Shuniah, the lands lying within the following limits, that is to say,—commencing at the point where the southern limit of the township of McIntyre intersects the water's edge of Thunder Bay, then west along the said southern limit to the centre line of section fifty-four, then north along the centre lines of sections fifty-four, forty-nine and forty-one to the south limit of location N, then east along the said south

limit to the south-east angle of said location N, then north along the east limit of said location N and R^1 to the north-east angle of said location R^1, then east along the north limit of locations R^2 and R^3 to the west limit of location seventeen, then north along the said west limit to the north-west angle thereof, then east along the north limit of location seventeen, sixteen and fifteen to the west limit of location ten, then north along the said west limit to the north-west angle thereof, then east along the north limit of locations ten, nine, eight and A to the boundary between the townships of McIntyre and McGregor, then south along said boundary line to the north-west angle of location five, Herrick's survey, in the township of McGregor, thence east along the northern limit of said location five to the west limit of location three, then north along the said west limit to the north-west angle thereof, thence east along the northern limit thereof to the west limit of location one, thence north along the said west limit to the north-west angle thereof, thence east along the northern limit thereof to the north-east angle thereof, then south along the east limits of locations one and two to the shore of Thunder Bay, then following the several boundaries of the shore in a general south-westerly direction to the place of beginning, together with the water lots on Thunder Bay, in front of the said lands,—shall be assessed in the manner provided by and in accordance with the terms of the Assessment Act: Provided, nevertheless, that nothing herein contained is intended to or shall be held in any way to repeal or alter sections four and five of the Act passed in the thirty-ninth year of the reign of Her Majesty, and chaptered thirty-seven: Provided always that the value at which any of the said lands shall be assessed for any one year during the continuance of this Act, shall not exceed three times the value at which such lands shall have been respectively assessed in the year 1882.

Proviso.

36 V. c. 50, s. 7 amended as to voting.

2. Section seven of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act to organize the Municipality of Shuniah, and to amend the Act for establishing Municipal Institutions in unorganized districts," is hereby repealed, and the following substituted therefor:

7. At any election within the said municipality, every freeholder, whether resident or not, and every resident householder who has been resident in the municipality for six months next before the election, and who has paid all taxes assessed against him up to the thirty-first day of December preceding, such freeholder or householder being a male of the full age of twenty-one years and a subject of Her Majesty by birth or by naturalization, and voting in respect of property rated to the amount of one hundred dollars on the last revised assessment roll of the said municipality for real property, held in his own right or in the right of his wife, or who is in receipt of an income from some trade, office, calling or profession of not less than

than four hundred dollars, and having received no reward and having no expectation of reward for voting, shall be entitled to vote, provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath :

Voter's oath.

You, A. B., (*name of voter*) do solemnly swear (*or* affirm, *if the person is by law authorized to affirm in civil matters*) that you are a Freeholder in the Township (*or* Village) of (*naming it*) *or, if the person votes as a householder, then* that you are a householder, and have been resident within the Municipality (*naming it*) for six months next before the election, and have paid all taxes assessed against you up to the thirty-first day of December last (or, *if the person votes on income*, that for twelve months previous to the thirty-first day of December last, you were in receipt of an income from your trade, office, calling, or profession, of a sum of not less than four hundred dollars), that you are of the full age of twenty-one years, that you are a subject of Her Majesty either by birth or naturalization, and that you have not voted before at this election for Councillors for this Ward ; that you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ; that you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or any other service connected with this election ; and that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election. So help you God.

(The person offering to vote may be required to state in the oath the property in respect of which he votes.)

CHAPTER 43.

An Act respecting the City of Toronto.

[*Assented to* 1*st February,* 1883.]

Preamble.

WHEREAS the corporation of the city of Toronto have by their petition set forth the desirability of and the necessity for special legislation with respect to certain powers conferred or to be conferred upon said corporation, and to remove doubts as to the intent and meaning of the Act passed by the Legislature of the Province of Ontario, in the forty-second year of the reign of Her Majesty, chaptered seventy-five, intituled "An Act respecting the debenture debt of the city of Toronto and for other purposes ;" and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Assent of electors not required to by-laws for raising city's local

1. The council of the corporation of the city of Toronto may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for the city's share of any

Share of cost of local improvements.

local improvements and works on the credit of the city at large; and it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law under the provisions of the Municipal Act, any special or private Act relating to the said city of Toronto to the contrary notwithstanding;

Proviso.

provided always that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general city debt, within the meaning of the Act last above mentioned, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the city at large, but it shall be sufficient to state in any such by-law, that the amount of the general city debt as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments.

Power to borrow funds for local improvements.

2. For the purpose of enabling the council to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of the Municipal Act or any local or private Act, heretofore passed or hereafter to be passed in that behalf, they may and they are hereby authorized and empowered to make agreements with any bank or banks, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures or city stock to repay the amount of the temporary loan or advance; and the interest paid for such temporary loans or advances shall be included in and form part of the cost of such works or local improvements.

Time for repayment of loans.

3. Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law, within the probable life time of the work or improvement for which such debt has been incurred, as certified by the city engineer or other proper officer to be appointed by the council for that purpose;

Provided always that in the case of general debentures issued for the city's proportion of such works or improvements for a less period than forty years the limitation of issue named

named under the before recited Act, passed in the forty-second year of the reign of Her Majesty, and chaptered seventy-five, special sinking fund rates shall be provided under the by-laws creating the debt, and be kept and invested apart, and by special account, from the general sinking fund rate of three-quarters of one per cent. raised and applicable to the redemption of forty years debentures under the said Act, such special sinking funds to be applicable to the redemption of the said general debentures issued, and to mature according to the probable life of the work or improvement for which such debt shall have been incurred as aforesaid.

By-laws confirmed.

4. Notwithstanding anything in the said Act passed in the forty-second year of the reign of Her Majesty and chaptered seventy-five, or any other Act passed by the Legislature of Ontario to the contrary, all by-laws passed by the said council of the corporation of the city of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of the local improvements and works constructed and made since the said Act was passed for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and all by-laws passed by the said council for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual.

40 V. c. 39, ss. 1–4, declared to be in force.

5. Nothing contained in the Act passed by the Legislature of the Province of Ontario in the fortieth year of the reign of Her Majesty, chaptered six, entitled "An Act respecting the Revised Statutes of Ontario," or any other Act passed by the said Legislature subsequently thereto or during this present session, shall be construed as interfering with the powers and rights conferred on the council of the corporation of the city of Toronto, by the first four sections of the Act passed by the said Legislature, in the said fortieth year of Her Majesty's reign, chaptered thirty-nine, intituled "An Act respecting the city of Toronto, the Toronto Water-works and other matters," or as repealing the said last mentioned Act, in so far as the same authorizes the said council to construct local improvements without petition therefor, where the same are in the opinion of the said council necessary for sanitary or drainage purposes.

CHAPTER

CHAPTER 44.

An Act to empower the City of Toronto to institute an issue of Corporation Stock.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS the city of Toronto have, by their petition, represented that it will be to the advantage as well of the said city as of parties with whom the said city may hereafter have dealings in the way of raising money on loan for civic purposes, if an alternative power be conferred on the said city, in addition to the power now existing as to the issue of debentures, to institute the issue of a corporation stock to be styled "The Registered Stock of the City of Toronto"; that such power will remove difficulties on the part of parties holding debentures, and especially of parties holding the same as permanent investments, as to the safe custody of the same; that it will simplify the dealings of said parties with the city in the matter of receiving periodically interest on loans, and generally facilitate the negotiation of corporation loans, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of registered stock authorized.

1. From and after the passing of this Act, and subject to the provisions thereof, it shall be lawful for the city of Toronto to institute an issue of stock to be styled "The Registered Stock of the City of Toronto," to be subscribed for in shares of one hundred dollars currency, or twenty-five pounds sterling, or broken parts of the same, as the same may be required to represent a loan subscribed for in currency or sterling, as the case may be.

Registered stock may be issued in lieu of debentures.

2. The said stock may be issued at the option of a party tendering for a corporation loan, in lieu of debentures authorized to be issued for such loan by any by-law or Act of Parliament in that behalf, and the security for the loan in case of the party electing to take stock shall be effected by registration as hereinafter mentioned, and the delivery of a certificate under the seal of the corporation, which shall in all respects be as full and binding a liability on the city as the issue of a debenture or debentures, save that the certificate shall state the party to whom it is issued to be the holder of such an amount of stock as represents the aggregate of the loan, and on which the city shall be liable to pay interest semi-annually, by the cheque of the treasurer to the said party or to his duly authorized attorney or agent in that behalf.

3.

3. The said stock shall to all intents and purposes be regarded as a negotiable or transferable security in like manner as debentures are transferable, save that the transfer shall not be by delivery but by re-registration in the stock books of the corporation. Stock to be transferable.

4. For the purpose of carrying out the provisions in the preceding sections contained, the said corporation shall open and keep the following registers and special books of account in connection therewith: Corporation to keep registers and books of account.

A Stock Ledger: In which shall be entered (1) The total amount of stock issuable under the provisions of the by-law authorizing the same; (2) the rate of interest authorized to be paid on the same; (3) the name or names of the original party or parties subscribing for and taking up the same; (4) the transfers which may be made of the same from time to time from one holder to another, so that the result shall be to exhibit at all times the total amount of such stock as held either by one or several holders of the same as the case may be.

A Transfer Register: To be signed as well by the transferor as by the transferee, and from which the changes of ownership shall be posted to the stock ledger, and any transfer shall be only considered *ad interim* and shall in no case be posted in the stock ledger until duly signed by both the parties thereto.

An Interest Register: In which shall be set forth semi-annually an exact statement of the then holders of the said stock, and opposite to the name of each holder the amount of the semi-annual interest to which he is entitled, and cheques shall be prepared and made payable to the order of the parties so set forth as owners, who shall on receiving the same, duly sign an acknowledgement for the same as a full acquittance of the liability of the corporation for such semi-annual interest.

5. The said corporation may by by-law appoint an agent in Great Britain, if necessary, to act as the deputy of the treasurer of said corporation with respect to the registrations and transfers of stock under this Act. Appointment of agent in Great Britain authorized.

6. The power to issue corporation stock in manner hereinbefore mentioned, shall be only exercised as an alternative power, and shall in no way interfere with the power to issue debentures, and there shall be but one increase of the debt of the city heretofore called the debenture debt, (and which shall hereafter include issues of such stock) by the issue of either debentures or stock at the option of a party tendering for a corporation loan. Option as to issue of stock or debentures.

7. In all returns shewing the indebtedness of the city, after the provisions of this Act have gone into effect, the gross indebtedness shall be set forth as consisting of so much of stock and so much of debentures, as the case may be. Returns as to indebtedness to specify amount of stock and debentures.

8.

Limitation as to city debt contained in 42 V. c. 75, and as to submitting by-laws to electors not affected.

8. The limitation of the debt of the city, and the circumstances under which only such limitation shall be exceeded under the Act passed in the forty-second year of Her Majesty's reign, chaptered seventy-five, intituled "An Act respecting the debenture debt and certain property of the City of Toronto," shall be in no wise affected by this Act, nor shall it interfere in anywise with the requirement for submitting to the popular vote a by-law requiring such submission under the municipal or any other Act in that behalf, it being the sole object of this Act to give the alternative power of issuing debentures or stock as aforesaid in giving effect to a by-law duly passed.

Provisions as to sinking fund.

9. All moneys required to be raised for sinking fund purposes shall continue to be raised and shall be applicable to the retirement of either stock or debentures on the maturity of either of the same in the due course of such maturity.

CHAPTER 45.

An Act respecting the City of Toronto and the Village of Parkdale.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the city of Toronto and the village of Parkdale, by the petition of their respective councils, have represented that it is desirable and necessary for the preservation of life and property to make provision for the construction and maintenance of sub-ways or bridges and approaches thereto, in and upon the public streets and highways in the city of Toronto and village of Parkdale at the points where the said streets are crossed by the tracks of the several lines of railway running into the city of Toronto; and whereas there is imperative public necessity for the early construction of the said proposed sub-ways or bridges and approaches thereto; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Railway companies interested and councils of Toronto and Parkdale empowered to agree for construction of sub-ways or bridges at railway crossings.

1. It shall and may be lawful for the council of the corporation of the city of Toronto and the council of the village of Parkdale, jointly or separately, and for the several railway companies, whose tracks do now, or at any time hereafter may cross any of the public streets and highways within the limits of the city of Toronto and village of Parkdale, jointly or separately, and each with the other, or any of them, and with the said councils, or either of them, to enter into

into any and all such contracts, engagements, agreements and covenants for the construction, erection and future maintenance of all such sub-ways under or bridges over the said railway tracks where the same cross the said streets or any of them, together with such approaches and other works connected therewith as they may deem necessary for the safety and protection of the persons and property of all parties concerned.

Power for said councils to contract for construction of necessary works.

2. It shall and may be lawful for the said councils, either jointly or separately, to enter into any contract or contracts with any person or persons who may be willing to undertake the same, to make, construct, erect and build such and so many sub-ways or bridges with all suitable approaches to and other works connected therewith, as in the opinion of said council or councils may be proper and necessary, on and in the said streets or any of them, under or over the several tracks of the several lines of railway where the same cross the said streets or any of them, of such materials and according to such plan or plans as the said councils or either of them may have adopted or may hereafter adopt regarding the same; and for all and every of the purposes aforesaid, and for the purposes of carrying out the said works or any of them to completion, and thereafter maintaining the same, it shall and may be lawful for the said councils, or either of them, and the servants, workmen and agents or contractor, or contractors of them, or of either of them, to enter upon, take possession of, cut, dig up and use all such portions of the lands adjoining the said streets or any of them as the engineers or engineer of either of them may certify to be necessary, and to close, break up, and otherwise alter, improve, and change the said streets or any of them for such time, to such extent, and in such manner as the said engineer or engineers may think fit and necessary for the purposes of the said works or any of them.

Power to enter on lands, and to close or divert streets.

Councils before letting any contract to agree as to proportion in which expense of construction and maintenance shall be divided.

3. The said councils shall, before letting any such contract or entering upon the construction of any such work or works on or in Queen and King streets or either of them, mutually agree upon the proportions in which the cost thereof, including compensation for damages as hereinafter mentioned and the cost of future maintenance, shall be divided and borne between the said municipalities of Toronto and Parkdale respectively; and they are hereby authorized to pass all such by-laws, enter into all such agreements and execute all such contracts, deeds and writings as may be proper and necessary for all and every such purpose.

Compensation for lands taken or injuriously affected.

4. In carrying on the said works, or any of them, the said councils, their servants, workmen and agents, and contractor or contractors, shall do no unnecessary injury or damage, and the said councils shall make to the owners or occupiers of or other persons interested in real property entered upon, taken or used by

by them or either of them in the exercise of any of the powers hereby conferred upon them, or either of them, or injuriously affected by the exercise of such powers, due compensation for any damages, including cost of fencing when required, necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the said work or works or any or either of them, and any such claim for compensation, if not mutually agreed upon, shall be determined by arbitration under the provisions of the Municipal Act and amendments thereto in that behalf.

Special power to borrow for purposes of this Act.

5. Notwithstanding anything in the Municipal Act and amendments thereto, or in any special or private Act relating to either of the said municipalities to the contrary, it shall and may be lawful for the council of the corporation of the city of Toronto and the council of the village of Parkdale respectively to pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts, not exceeding in all one hundred thousand dollars for each municipality, as may be necessary for the purpose of constructing such sub-way or sub-ways, bridge or bridges together with suitable approaches thereto, and other works necessarily connected therewith, as the case may be, including such compensation for damages as above provided for, and to issue any number of debentures payable in this Province or elsewhere in sums of not less than one hundred dollars, which may be requisite and necessary therefor.

Special rate for payment of debentures.

6. The debentures to be issued for the purposes aforesaid, shall be payable in forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding six per centum per annum payable half yearly, and for the purpose of redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the council of the said corporation of the city of Toronto and the council of the village of Parkdale respectively in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and personal property in such municipality respectively, to be called "The Railway Crossing Rate," over and above and in addition to all other rates, to be levied in each year, which shall, together with such annual sum (if any) as the said councils or either of them may receive from the said railway companies or any of them under any agreement in that behalf, be sufficient to form a sinking fund of three-fourths of one per centum per annum for that purpose, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act or in other debentures of the municipality or Government debentures.

7. The council of the corporation of the city of Toronto may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of one hundred thousand dollars for the purposes aforesaid, under the provisions of the Act passed by the Legislature of the Province of Ontario in the forty-second year of the reign of Her Majesty, chaptered seventy-five, entitled "An Act respecting the debenture debt and certain property of the city of Toronto." City of Toronto may issue debentures under 42 V. c. 75, instead of under this Act.

8. No by-laws for the raising of any such loan by the issue of debentures for any of the purposes aforesaid shall require to be submitted to a vote of the ratepayers before the final passing thereof, anything in the said Municipal Act and amendments thereto, or any such special or private Act or Acts to the contrary notwithstanding. Sanction of electors to loan not required.

9. The expense incurred in obtaining this Act shall be borne by the said municipalities as a part of the cost of the said works and improvements, and shall be paid by them to the parties respectively entitled thereto. Expenses of Act to be part of cost of works.

CHAPTER 46.

An Act respecting the City of Toronto and the Village of Yorkville, and other matters.

[*Assented to* 1*st February*, 1883.]

WHEREAS the corporation of the city of Toronto and the village of Yorkville by their petitions have represented that it is desirable to annex the village of Yorkville to the city of Toronto and provide for future extension of the limits of the city of Toronto, and whereas it is expedient to grant the prayer of the said petitions; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All that part of the township of York, in the county of York, heretofore comprised within the limits of the village of Yorkville set forth in the proclamation dated at Quebec the twenty-third day of April in the year of our Lord one thousand eight hundred and fifty-two, as follows, that is to say:— Commencing at the south-west angle of lot number twenty-two in the second concession from the bay in the township of York, thence along the westerly limit of the said lot northerly seventy-two chains twenty-three links, thence on a course parallel to the front of the said concession easterly to Yonge street, Village of Yorkville annexed to Toronto as a new ward, to be known as the ward of St. Paul.

street, thence along the westerly limit of Yonge street southerly to the limit between lots numbers seventeen and eighteen on the easterly side of Yonge street produced, thence across Yonge street to the easterly limit thereof, thence along the limit between lots numbers seventeen and eighteen aforesaid easterly forty-one chains ten links, thence southerly on a course parallel to Yonge street across lots eighteen, nineteen and twenty on the easterly side of Yonge street to the allowance for road between the first and second concessions from the bay, thence along the northerly limit of the allowance for road aforesaid westerly to the place of beginning, is hereby annexed to and shall be henceforth included within the limits of the city of Toronto (which limits are hereby extended so as to include the same), and shall constitute a new ward of the city of Toronto, to be known as the ward of St. Paul, subject to the same provisions of law as if such addition had been made under the Act respecting municipal institutions in the Province of Ontario and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act.

Assessment rolls and voters' lists of Yorkville for 1882 confirmed, and their adoption fo 1883 authorized.

2. The assessment rolls and voters' lists of the village of Yorkville for the year one thousand eight hundred and eighty-two, as finally revised for that year, are hereby confirmed, and the council of the corporation of the city of Toronto is, subject to the other provisions of this Act in that behalf, hereby authorized to adopt the same by by-law to be passed for that purpose as and for the assessment rolls and voters' lists for the ward of St. Paul for the year one thousand eight hundred and eighty-three, and no further or other assessment for the said ward of St. Paul for the year one thousand eight hundred and eighty-three need be made.

Reeves and deputy reeves of Yorkville elected in 1883 to be the aldermen of the ward of St. Paul.

3. The reeve and two deputy-reeves elected for the village of Yorkville at the municipal elections held for the year one thousand eight hundred and eighty-three, shall be, and they are hereby declared to be, the three aldermen for the said ward of St. Paul for the year one thousand eight hundred and eighty-three, after this Act shall come into force.

School trustees.

(2) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of two public school trustees for the said ward of St. Paul under the provisions of the statutes in that behalf, providing for the filling of vacancies occurring during the year, and the trustees elected at such election shall serve as public school trustees on the public school board for the city of Toronto, one for the balance of the current year, and one for the balance of the current year and one year thereafter; the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place.

All property of corporation of Yorkville vested in the corporation of Toronto.

4. All property, both real and personal, of whatsoever nature and kind, and wheresoever situate, and all deeds, books, papers, writings and other documents belonging to or under the control of or in the possession of the council of the corporation of the village of Yorkville, or of any officer, servant, or agent of the said corporation, are hereby declared to be the property of the corporation of the city of Toronto, and shall forthwith be delivered to such persons and officials as the council of the corporation of the city of Toronto shall appoint for that purpose.

Toronto to be liable for debts and obligations of Yorkville.

5. All existing liabilities, lawful debts and obligations of the village of Yorkville, and also all such portions of the liabilities, debts or other obligations of the county of York as the said village of Yorkville would have to bear or sustain if this Act had not been passed, including the proportion now payable under the special agreement between the corporation of the county of York and the corporation of the city of Toronto, providing for the administration of justice and the maintenance of the courts, are hereby declared to be the liabilities, debts and obligations of the corporation of the city of Toronto, and shall be met, discharged, observed, and kept by the corporation of the city of Toronto, according to the nature thereof, as if the same had been originally incurred or entered into by the corporation of the city of Toronto.

Added lands not freed from obligations contracted by township or county or from special rates.

6. Nothing in this Act contained shall exempt any part of the lands so added to the city of Toronto aforesaid from liability from the debts and obligations contracted before the passing of this Act by the county or township or other municipality of which the said lands formed a part, or from any special rate or assessment imposed thereon or on any part thereof by any by-law heretofore passed by the council of the said village of Yorkville, and all such by-laws are hereby confirmed.

Obligation of sureties preserved.

7. All sureties for the several officials of the village of Yorkville shall be and remain liable as if they had become sureties for such officials to the city of Toronto in the first instance, and all bonds and sureties which shall have been given to the said village of Yorkville at any time before this Act comes into force shall enure to the benefit of the corporation of the city of Toronto, and the said corporation shall have all the rights and remedies thereto and thereunder and be entitled to recover thereon to the same extent and under the like circumstances as the said village of Yorkville could have done had it remained a separate municipality.

Settlement of claims existing between the county of York and the village of Yorkville.

8. The councils of the corporation of the city of Toronto and the county of York respectively are hereby authorized to settle and agree upon all questions, claims, demands or disputes now existing between the said village and county councils, or which may arise out of the annexation of the said village of Yorkville

Yorkville to the said city of Toronto, but in the event of the said councils not being able to so agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of the Municipal Act in that behalf.

Provision for annexation of incorporated villages adjacent to Toronto with assent of ratepayers.

9. The council of the corporation of the city of Toronto and the councils of the several incorporated villages now existing, or which may hereafter exist, in the township of York, situate adjacent to the limits of the city of Toronto, are hereby severally authorized and empowered to enter into such arrangements as may be necessary, upon such terms as may be agreed upon, for the annexation of the territory comprised within the limits of any such incorporated village to the city of Toronto, but no such annexation shall take effect until the same shall have been submitted to and approved of by the vote of the freeholders of such village entitled to vote at municipal elections as and when the council of such village may determine, but always under the provisions of the Municipal Act in that behalf.

Annexation to be effected by proclamation of Lieut.-Governor.

10. In the event of the annexation of any such incorporated village to the city of Toronto having been approved of in manner provided in the last preceding section, the same shall be effected by proclamation of the Lieutenant-Governor in Council, who may issue his proclamation under the provisions of the Municipal Act, annexing any such village to the said city.

Proclamation to name a day on which the village shall cease to be a separate municipality.

11. Such proclamation shall name a day when the same shall take effect, and from which such village shall cease to exist as a separate municipality.

Ss. 2–8 of this Act to apply to village after the day named in proclamation except where varied by agreement.

12. On and after the day named in any such proclamation for the annexation of any such incorporated village to the city of Toronto to take effect, the third, fourth, fifth, sixth, seventh and eighth sections of this Act, except in so far as the same shall have been varied by any agreement in that behalf made between the council of the corporation of the city of Toronto and the council of any such incorporated village, shall so far as applicable apply to such village and to the corporation thereof as if the same had been expressly named in the said sections of this Act instead of the said village of Yorkville or the corporation thereof, as the case may be, and the then last revised assessment rolls and voters' lists of such village firstly in this section above mentioned may be adopted by the council of the said city by by-law to be passed for that purpose, as and for the then last revised assessment rolls and voters' lists of the city of Toronto for that part thereof included within the limits of such addition, and the same shall be valid and binding for all purposes, until superseded by new assessment rolls and voters' lists thereafter made in conformity with the several Acts in that behalf.

13.

City of Toronto to assume roads and bridges within present or future limits.

13. The council of the corporation of the city of Toronto shall, so soon as any addition is made to the said city under the provisions of this Act, by by-law from time to time take possession of and assume all roads and bridges being the property of and belonging to the county of York, situate within the limits of any such addition when so made as aforesaid, subject however to the right of the said county to receive proper compensation therefor, and in the event of the said council not being able to agree with the said county on the amount of compensation for any such road or bridge, then and in every such case such compensation shall be determined by arbitration under the provisions of the Municipal Act in that behalf.

Gratuity to Clerk of Yorkville to be included in liabilities of Yorkville.

14. Any sum of money heretofore granted by the council of the corporation of the village of Yorkville to William H. Archer, the clerk of the said council, and not exceeding his aggregate salary or other remuneration for the three years of his service next prior to the passing of this Act, shall be considered one of the liabilities and legal debts of the village of Yorkville, and shall be paid by the corporation of the city of Toronto, as provided for by section five of this Act.

Ward of St. Paul to form part of the Electoral Division of East York.

15. Inasmuch as the said village of Yorkville was heretofore included in the Electoral District of East York, therefore it is enacted that for the purpose of elections to the Legislative Assembly, the electors of the ward of St. Paul hereby created, shall vote, in the said Electoral District of East York, in the same manner, and to the same effect as if this Act had not been passed and as if the said village of Yorkville had not as aforesaid been added to said city of Toronto.

CHAPTER 47.

An Act respecting the Town of Woodstock and the Grand Trunk Railway Company of Canada.

[*Assented to* 1*st February*, 1883.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Woodstock authorized to make an agreement with the G. T. Railway for certain purposes.

1. It shall be lawful for the town council of the town of Woodstock to enter into an agreement with the Grand Trunk Railway Company of Canada for all or any of the purposes following, that is to say:

(*a*)

(*a*) To exempt the property of the said railway company, in the said town, from taxation to such extent and for such period as the said council and the said company shall agree upon.

(*b*) To secure before the end of the year one thousand eight hundred and eighty-three the erection by the company of a new brick passenger station-house, on their station grounds at Woodstock, of the dimensions and upon the site shewn on the plan now deposited in the office of the clerk of the said town, or on such other site as may be agreed on between the said company and the said council.

(*c*) To provide for the extending and carrying of a street known as Wellington Street, in the said town, across the company's railway by an overhead bridge, in the manner and on such terms and conditions as the said company and the town council may agree upon.

Agreements as to closing of streets authorized.

2. The said town council shall have power to agree with the said railway company for the closing or opening of streets, as the company and the said council may agree upon.

Agreements to be valid.

3. Any agreement made as aforesaid shall be valid and binding.

CHAPTER 48.

An Act to incorporate the Brighton, Warkworth and Norwood Railway Company.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the persons hereinafter named and others have by their petition prayed to be incorporated as a company for the constructing, equipping, and leasing or operating a railway from the village of Brighton, in the county of Northumberland, to a point on the line of the Ontario and Quebec railway at or near the village of Norwood in the county of Peterborough, and thence in a northerly direction through the said county of Peterborough and districts of Haliburton and Nipissing, to a point on the main line of the Canada Pacific railway, with power to build in sections ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. Caleb A. Mallory, W. T. Wiggins, Israel Humphries, Thomas B. Carlaw, David Ewing, J. B. Pearce, W. E. Roxburgh, Thomas Webb, Ira B. Thayer, Isaac Oscar Proctor,

L. U. C. Titus, Thomas N. Scripture, Hugh Strong, Esli Terrill, George Davidson, William Wade, Alfred Richards, Thomas Blezard, George B. Boyce, Patrick Gallagher, James Nesbitt, Lewis A. Purdy, Alfred A. Becker and Herman J. Clark, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Brighton, Warkworth and Norwood Railway."

Location of line.

2. The said company shall have full power to construct, equip, lease and operate a railway, of a gauge four feet eight and one-half inches, from a point in or near the village of Brighton, to a point on the line of the Ontario and Quebec railway at or near the village of Norwood, and thence in a northerly direction through the county of Peterborough and districts of Haliburton and Nipissing to a point on the main line of the Canada Pacific railway, and with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the points aforesaid.

Authority to amalgamate with other companies.

3. The company is also authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk railway company of Canada, the Ontario and Quebec railway company, the Midland railway company, or the Canadian Pacific railway company, or either of them for amalgamation with the said companies or either of them, or for the leasing their said line or any part or parts thereof to the said companies or either of them, and may also make traffic or running arrangements with either of the said companies, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Construction in sections of not less than ten miles authorized.

4. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained; and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and

book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act of Ontario and the amendments thereof, applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act of Ontario and the amendments thereof, with respect to "plans and surveys."

Acquiring gravel, etc., for construction and maintenance of railway

5. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

6. When gravel, stone, earth or sand, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed

structed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to purchase whole lots in certain cases.

7. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage, than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the Railway Act of Ontario shall not apply to this section.

Power to take land for building elevators etc., and to use water of streams.

8. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portions thereof, in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Snow fences.

9. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Form of conveyance.

10. Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry

Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

Telegraph lines.

11. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Provisional directors and their powers.

12. From and after the passing of this Act the said Caleb A. Mallory, W. T. Wiggins, Israel Humphries, Thomas B. Curlaw, David Ewing, J. B. Pearce, W. E. Roxburgh, Thomas Webb, Ira B. Thayer, Isaac Oscar Proctor, L. U. C. Titus, Thomas N. Scripture, Hugh Strong, Esli Terrill, George Davidson, William Wade, Alfred Richards, Thomas Blezard, George B. Boyce, Patrick Gallagher, James Nesbitt, Lewis A. Purdy, Alfred A. Becker and Herman J. Clark shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under the Railway Act of Ontario, and any other law in force in Ontario are vested in such boards.

Capital stock.

13. The capital of the said company shall be two hundred thousand dollars, (with power to increase the same in manner provided by the Railway Act of Ontario) to be divided into two thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city,

city, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power of directors to exclude persons from subscribing for stock.

14. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Ten per cent. to be paid at time of subscription.

15. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the said company.

Calls.

16. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided in the Railway Act of Ontario.

Power to accept payment of subscriptions in full.

17. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage of discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

First election of directors.

18. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the Province of Ontario, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock, who

who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

Provision in case directors neglect to call meeting.

19. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than twenty thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of meeting.

20. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the village of Brighton, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose twelve persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meeting.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the village of Brighton, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the village of Brighton.

Special meetings.

22. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Votes.

23. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Representation of stock held by corporations.

24. At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

25.

Qualification of directors.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Rights of aliens.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible to office as directors of the said company.

Quorum of directors and appointment of a paid director.

27. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors, and the said board of directors may employ and pay one of their number as managing director.

Delegation of power by directors.

28. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Power to contract for construction and equipment of line.

29. It shall be lawful for the directors to enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds, or in paid up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders, present in person or by proxy, at a meeting specially convened for considering the same.

Aid to company.

30. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Grants of land from municipalities, etc., authorized.

31. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or any body politic or

or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of said company.

Exemption from taxation

32. The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates, or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Municipalities may authorize the company to make their road on highways.

33. Any municipality through which the said railway passes, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Payments in bonds or stock authorized in certain cases.

34. The said provisional directors or the elected directors, may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons, who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Aid from municipalities.

35. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus or gift, or may aid the said company by way of loan, or by the guarantee of the municipal corporation, under and subject to the provisions, hereinafter

Proviso.

contained: Provided always, that such aid shall not be given, except

except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as to bonus by-laws.

36. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under the Municipal Act as aforesaid;

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

37. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by

by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county as the arbitrators may order.

Deposit for expenses.

38. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

39. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

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By-law, what to contain.

40. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

"Minor municipality," meaning of.

41. The term "minor municipality" shall be construed to mean, any town not separated from the municipal county, township or incorporated village situate in the county municipality.

If by-law carried, council to pass same;

42. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

And issue debentures.

43. Within one month after the passing of such a by-law, the said council and the mayor, warden, reeve or other officers thereof shall issue the debentures provided for by the by-law, and

and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Extension of time for completion.

44. It shall and may be lawful for the council of any municipality, that may grant a bonus to the company (and they shall have full power) to extend the time for the completion of the works on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

45. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time: Provided that no such extension shall be for a longer period than one year.

Trustees of debentures.

46. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

47. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Brighton, Warkworth and Norwood Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B,

B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

48. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

49. The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and upon the franchises of the company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the issue of bonds and debenture stock shall not exceed in all the sum of fifteen thousand dollars per mile; and provided that in the event at any time of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualification for directors, and for voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.

Proviso.

Proviso.

Proviso.

Bonds, etc., to be personal property, and

50. Any such bonds, and the coupons thereof may be made payable to bearer and transferable by delivery, and any holder

holder of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property. transferable by delivery.

51. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise. Power to mortgage bonds.

52. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Power to become parties to promissory notes, etc. Proviso.

53. Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the company in a register, to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain. Registration of debenture stock.

54. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof. Certificates to be given to holders of debenture stock.

55.

Debenture stock not transferable in less amounts than £100 sterling.

55. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

Power to make regulations for transfer, etc., of stock.

56. The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock, and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being inconsistent with this Act, and with the Ontario Railway Act, as altered or modified by this Act, shall be valid and binding.

Company empowered to issue debenture stock and bonds.

57. The said company shall have all the powers necessary for the issue of the said debenture stock authorized by this Act, and for carrying out the objects of this Act in respect thereof.

Debenture stock to be personal property.

58. The said debenture stock and bonds to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate.

Power as to sale and mortgage of debenture stock and bonds.

59. The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company.

Application of proceeds.

60. The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway.

Power to collect back charges.

61. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commencement and completion.

62. The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE

SCHEDULE A.

Section 10.

Know all men by these presents, that I (*or* we) [*insert the names of the vendors*] in consideration of dollars paid to me (*or* us) by the Brighton, Warkworth and Norwood Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) in consideration of dollars, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels, *as the case may be*) of land [*describe the land,*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Brighton, Warkworth and Norwood Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*] and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands. As witness my (*or* our) hand and seal (*or* hands and seals) this day of , A.D. 188 .

Signed, sealed and delivered in presence of) [L.S.]

SCHEDULE B.

Section 47.

Chief Engineer's Certificate.

THE BRIGHTON, WARKWORTH AND NORWOOD RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department.* A.D. 188 .

Certificate to be attached to cheques drawn on the Brighton, Warkworth and Norwood Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, *A.B.*, Chief Engineer for the Brighton, Warkworth and Norwood Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (*or* under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER

CHAPTER 49.

An Act to incorporate the Cornwall Junction Railway Company.

[*Assented to* 1*st February*, 1883.]

WHEREAS the construction of a line of railway from the town of Cornwall *via* the village of West Winchester to the village of Smith's Falls, and thence to the town of Perth, or to the village of Carleton Place is desirable; and whereas a petition has been presented for that purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Mahlon F. Beach, Aaron Sweet, Neil McIntyre, M.D., Andrew Broder, M.P.P., Lewis A. Ross, William Colquhoun, Donald B. Maclennan, Q.C., Donald E. McIntyre, Donald McDonell, Peter Lambert, John E. Loney, William Mack, M.P.P., George McDonell, William Bannerman, Samuel Colson, Joseph Kerr, M.P.P., David A. Flack, John Bergin, Dr. Bergin, M.P., John Purcel, A. P. Ross, C. T. Wilson, David Morrice, A. F. Gault, Henry Merrick, M.P.P., J. L. P. O'Hanly, W. H. McGee, A. C. Wallace, Samuel Jakes, D. F. Hall, Hugh Campbell, John S. Ross, A. J. Laflamme, S. M. Dawson, William Lees, M.P.P., and John McIntyre, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Cornwall Junction Railway Company" (hereinafter called "the company").

Location of line.

2. The company and their agents and servants shall have full power and authority to lay out, construct, complete, and operate a double or single line of railway of four feet eight and one-half inches gauge, from a point at or near the town of Cornwall, in the county of Stormont, through the counties of Stormont, Dundas, *via* the village of West Winchester, in the county of Dundas, Grenville and Lanark, to Smith's Falls, and thence to Perth or to the village of Carleton Place, in the county of Lanark.

Form of conveyances.

3. Conveyances of land to the company for the purposes of and under the powers given by this Act, made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the company, their successors and assigns, of the estate or interest, and sufficient bar of dower of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and

and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional directors.

4. From and after the passing of this Act the persons named in the first section of this Act shall be, and are hereby constituted, provisional directors of the company, any seven of whom shall be a quorum, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than seven others, who, upon being so named, shall also become and be provisional directors equally with themselves, and they shall have power and authority immediately after the passing of this Act to open stock-books, and receive subscriptions of stock for the undertaking, and in so doing may exclude any person from subscribing, who, in their judgment, would hinder or delay the company from proceeding with the railway, and may allot and apportion the stock amongst the subscribers as to them may seem meet, and may cause surveys and plans to be made and executed, and may enter into a contract or contracts for building the said railway, and may make a call or calls upon the shares subscribed therein, and may exercise all such other powers as under the said Railway Act, or any other law in force in Ontario, are vested in such boards.

Capital.

5. The capital stock of the company shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, with power to increase the same in the manner provided in the Railway Act of Ontario; and all moneys paid to the company in respect of such shares shall be applied in the first place to the payment of all costs charges and expenses of, and incidental to, the obtaining of this Act, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway, and to the other purposes of the company.

First election of directors.

6. As soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to said capital stock, who shall have paid up ten per centum of the shares by them subscribed, for the purpose of electing directors of the company.

Notice of general and annual meetings.

7. Notice of the time and place of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication, once in the *Ontario Gazette*, at least

two weeks previous to the day of meeting, and once a week in a newspaper published in Cornwall or Morrisburg during the two weeks preceding the week in which the meeting is to be held; and the meeting shall be held at such place and on such day and hour as the directors shall from time to time appoint and name in the notice calling the meeting, and at such first general meeting the subscribers for the capital stock who shall have paid up ten per centum thereof, whether present in person or represented by proxy, shall choose nine persons, any five of whom shall be a quorum, to be directors of the company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Special meetings.

8. Special general meetings of the shareholders of the company may be held at such places, at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Votes.

9. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote in any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

10. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Quorum of directors.

11. Any meeting of the directors of the company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Calls.

12. Calls on the subscribed capital of the company may be made by the directors for the time being as they may see fit: Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than one month, and notice of each call shall be given as provided in section seven.

Rights of aliens.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

14.

14. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf, by resolution, under the seal of the corporation; and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the time appointed for such meeting. Representation of municipal stock.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed twelve thousand dollars per mile of the said railway: Provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds. Proviso. Proviso. Proviso.

16. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, which, under the provisions of this Act, can be issued for the construction of the said railway. Power to pledge bonds.

17. It shall further be lawful for the corporation of any municipality in or through any part of which the railway of the company passes or is situate, by by-law, specially passed for that purpose, to exempt the company and its property within such municipality either in whole or in part from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum, or otherwise in Exemption from municipal taxation.

in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with any condition contained in such by-law.

Snow fences.

18. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Power to purchase whole lots.

19. Whenever it shall be necessary for the purposes of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Municipalities may grant land for right of way, etc.

20. Any municipality through which the said railway may pass is hereby empowered to grant by way of gift to the company any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the said railway, and the company may receive from any Government, or from any person or body corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, grant, gift, or loan, in money, or land, or debentures, or other securities for money, or by way of guarantee, upon such terms as may be agreed upon.

Telegraph lines.

21. The company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same with any telegraph or railway company, and all the powers conferred upon telegraph companies by the various statutes relating to telegraph companies, are hereby conferred upon the company, and the provisions of any statutes for the working and protection of telegraph

telegraph lines shall apply to any such telegraph lines constructed by the company.

Acquiring land for gravel pits, etc.

22. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act of Ontario and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Obtaining right of way to gravel pits.

23. When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Power to erect warehouses, etc.

24. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Promissory notes and bills of exchange.

25. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory

missory note or bill of exchange made or endorsed by the president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Power to contract for construction, and to pay therefor in stock or bonds.

26. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of the said railway line or any part thereof, including or excluding the procuring of the right of way for said railway line, and to pay therefor either in cash or in bonds, or partly in paid up stock of the company or otherwise, as may be deemed expedient: Provided that no such contract shall be of any force or validity until approved of by two-thirds of the shareholders, present in person or represented by proxy, at a general meeting of shareholders duly convened for considering the same.

Agreements with other companies.

27. The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree upon, or for the leasing or hiring from such other company or companies any portion of their railway or the use thereof, for leasing or hiring any locomotives or other rolling stock or moveable property from such companies or persons, and generally to make any agreement or agreements with any other companies so lawfully authorized, touching the use by one or the other or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and for any amalgamation with any other company or companies so lawfully authorized; and any such agreement or agreements shall be valid and binding according to the terms and tenor thereof: Provided that the assent of at least two-thirds in value of the shareholders shall be first obtained, at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act, and the company or companies leasing or entering into such

Proviso.

such agreement or agreements for using the said railway, or amalgamating with the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Municipalities may grant right to use highways.

28. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company; and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall be lawful for the company to enter into and perform any such agreements, as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Time for commencement and completion.

29. The construction of the said railway shall be commenced within three years, and the same shall be completed within six years after the passing of this Act.

SCHEDULE A.

(Section 3.)

Know all men by these presents that I (*or* we) [*insert the name of the vendors*] in consideration of dollars, paid to me (*or* us) by the Cornwall Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (*or* we) [*insert name of any other party or parties*] in consideration of dollars, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Cornwall Junction Railway Company, their successors and assigns, [*here insert any other clauses, conditions and covenants required*], and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands. As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of } [L. S.]

CHAPTER

CHAPTER 50.

An Act respecting the Credit Valley Railway Company.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS it is desirable that the Credit Valley railway should form part of a continuous line of railway through the Province of Ontario, having at Ottawa connections with the Maritime Provinces and the Eastern States, and at St. Thomas connections with the Western States and the Canadian North-West, and whereas to carry out this project the Credit Valley company have petitioned for an Act enabling them to amalgamate with or lease their railway to the Ontario and Quebec railway company and the Canada Southern railway company or either of the said companies, and to enable the said company to increase their capital for the purpose of carrying out such arrangement, and it is expedient to grant the prayer of their said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

Power to lease or amalgamate.

1. So far as the Legislature of Ontario has power to authorize the same, it shall be lawful for the Credit Valley railway company (hereinafter called the company) to unite or amalgamate with or lease in perpetuity or for a term of years, and from time to time, their railway to the Ontario and Quebec railway company, and the Canada Southern railway company or either of the said companies (hereinafter called the other company).

Power of directors to arrange terms of lease or amalgamation.

2. It shall be lawful for the directors of the company to agree with the directors of the other company that they shall be united or amalgamated as one company (hereinafter called the amalgamated company) or that the railway of the company together with its property, rights and franchise shall be leased to the other company and by such agreement to fix the terms upon which such union, amalgamation or lease shall take place; the rights which the shareholders of the company shall possess after such union, amalgamation or lease; the number of directors which the company shall thereafter have, and who shall be such directors until the then next election of directors; the period at which such election shall be held; the number of votes which the shareholders of the company shall respectively have thereat and thereafter; the corporate name of the united or amalgamated companies; the time when such agreement shall take effect; the by-laws which shall apply to the amalgamated company and generally to make all such conditions and stipulations touching the terms upon which such union, amalgamation or lease shall take place as may be found necessary for determining

determining the rights of the company and of the shareholders thereof, and the mode in which the business of the united or amalgamated company shall be managed and conducted.

Approval of shareholders required.

3. No amalgamation or lease authorized as aforesaid shall be acted upon or take effect until it shall have been submitted to and received the approval of two-thirds in value of the shareholders of the company present or represented by proxy at a meeting duly called for this purpose.

Companies amalgamated to form one company.

4. From and after the time when any such ratified agreement for the union or amalgamation of the said companies shall take effect the said companies shall become one company and one corporation by the corporate name assigned to it by such agreement and shall be bound by all agreements made by the company with the various municipalities as to stations at which trains shall arrive and from which they shall depart, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the said respective companies and shall be held to be the same corporation with each of them so that any right or claims that could be enforced by or against either of them may after such union be enforced by or against the company formed by their union, and any suit, action or proceeding pending at the time of such union by or against the company may be continued and completed by or against the amalgamated company by their corporate name: Provided, always that the rights of any person having any lien or charge upon the railway, tolls, revenues, franchise or other property real or personal of the company shall not be impaired by such amalgamation or lease, and provided also, that the said agreement shall contain a provision for keeping separate accounts with respect to each railway so as to ascertain the property or moneys upon which any such lien or charge may attach. Proviso.

Privileges and powers of company to be possessed by amalgamated company.

5. So far as the Legislature of Ontario has power to authorize the same, all the privileges, powers, rights, or franchises possessed by the company in force at the time of such agreement shall, or may, be continued to and possessed by the amalgamated company which may use or exercise the same as fully as the company immediately before such union possessed or enjoyed the same.

Company empowered to lease London Junction railway.

6. It shall be lawful for the company to lease or work the London Junction railway for such period and on such terms and conditions as the directors of the said two companies shall agree upon, and to make the rent therefor part of the working expenses of the railway: Provided that the assent of at least two-thirds of the shareholders of the company shall be first obtained at a special general meeting duly called for the purpose, and the company are thereupon authorized to work the said London Junction railway in the same manner as if incorporated with their own railway.

7.

Provisions as to existing agreements with municipalities respecting amalgamation, etc.

7. Whereas the company have heretofore covenanted and agreed with certain municipalities not to amalgamate with or lease their railway to any other railway company, and have also entered into certain other engagements and agreements with respect to the location and maintenance of stations and other matters: Be it therefore enacted that any covenant or agreement made by the company with any of the said municipalities not to amalgamate with or lease their railway to any other railway company, shall not be applicable to the amalgamation or lease hereby authorized, nor to any other amalgamation or lease made between the amalgamated company, and any other railway situated or located east or eastward of the town of Perth, other than the Grand Trunk railway, but with respect to all other railway companies the said agreements of the company not to amalgamate with or lease their railway to any other railway company shall remain and be binding upon the amalgamated company; and be it also enacted that, with respect to all such other engagements and agreements made between the company and such municipalities, the same shall be obligatory and binding upon the amalgamated company to the same extent as if such agreements had been made directly with such amalgamated company, and the agreement for amalgamation mentioned in the second section of this Act shall contain stipulations or provisions whereby the amalgamating companies shall agree to be bound by and perform all such engagements and agreements: Provided always that, with respect to any amalgamation or lease other than with the Grand Trunk and Great Western railway companies, and also with respect to the location and maintenance of stations and all other matters contained in the said agreements, it shall be lawful upon the application of the amalgamated company for the municipal councils of the said several municipalities with which agreements have been so made by by-law, to vary the same from time to time as they shall deem expedient.

Appointment of directors by municipalities.

8. The rights of the several municipalities now entitled to appoint directors on the board of the Credit Valley company, and the right of the town of Ingersoll, as provided by section eighteen of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered sixty-one, shall extend to, and be binding on, the said amalgamated company, and the several municipalities now entitled to appoint directors on the board of the Credit Valley company shall have the same right to appoint directors on the board of the amalgamated company: Provided that the directors, other than the director for the town of Ingersoll, so appointed shall, on or before the fifteenth day of February in each year, elect four of their number to represent them on the board of the amalgamated company, one of whom shall be the person named and selected as such director by the corporation of the city of Toronto, which four directors shall represent all of the municipal directors, other than the director for the town of Ingersoll, on the said board, and shall have the rights,

rights, powers, and duties thereon, which the municipal directors now possess, upon the board of the Credit Valley company.

Issue of new consolidated bonds or debenture stock authorized.

9. And whereas, to enable the said Credit Valley railway company to carry out the provisions of this Act, it may become necessary for them to increase their capital, and it is expedient that the said company or the amalgamated company, may be enabled to make a new issue of bonds or debenture stock in lieu of all bonds or debenture stock heretofore issued by the company; it is enacted that the company or the amalgamated company may with the consent of a majority of two-thirds in value of the shareholders thereof represented at a meeting specially called for that purpose, make and issue new consolidated bonds or debenture stock for an amount not exceeding in all twenty-five thousand dollars per mile upon the actual mileage from their terminus in Toronto to the city of St. Thomas on the main line, and from Streetsville to Orangeville and Elora on the branch line, payable at such time and place and bearing such rate of interest not less than five per cent. per annum as the company or the amalgamated company may determine, and such new bonds or stock shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds or stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided that the powers conferred by this section to issue the said new bonds or debenture stock are not to be exercised until three-fourths in value of the existing bondholders or holders of debenture stock represented at a special meeting called for the purpose, have agreed to the issue of the said bonds or debenture stock, and to accept new bonds or debenture stock to be issued in exchange and substitution for the bonds or debenture stock now held by them.

Power to secure bonds by mortgage of company's property.

10. The said company or the amalgamated company may secure such bonds or debenture stock and interest by the execution of a mortgage deed to a trustee or trustees upon the undertaking and property of the company, real and personal, then existing or at any time thereafter acquired.

Mortgage need not be registered.

11. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to, or be created by any mortgage deed executed under the provisions of this Act, that such deed should be registered in any manner or in any place whatever, but a duplicate of every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given in the *Ontario Gazette*.

12.

Provisions as to calling in bonds heretofore issued.

12. Provided three-fourths in value of the existing bondholders and holders of debenture stock, and two-thirds in value of the shareholders represented at a meeting or meetings specially called for that purpose agree thereto, the said company or the amalgamated company shall call in and cancel all the outstanding bonds and debenture stock heretofore issued, and shall issue to each person holding any of the said bonds or debenture stock now outstanding, new bonds or debenture stock to an amount sufficient to equal the face value and all accrued and unpaid interest of the bonds or debenture stock so held by them, such new bonds or debenture stock to be dated on the first day of April, one thousand eight hundred and eighty-three, and to bear interest from that date.

On the issue of new bonds or debenture stock outstanding bonds to be called in;

13. On the issue by the company or the amalgamated company of the said bonds or debenture stock under this Act, all bonds and debenture stock heretofore issued by the said company, and outstanding, shall be called in and cancelled, and the said bonds and debenture stock so called in shall no longer form any lien or charge on the said company, or be of any force or effect, and in the event of the said existing bondholders or holders of debenture stock failing to deliver up the bonds or debenture stock held by them, the said company shall issue and reserve a sufficient amount of bonds or debenture stock under this Act, to meet the said bonds or debenture stock not so delivered up to be cancelled.

and all former powers respecting issue of bonds to cease.

14. On the issue of the said bonds or debenture stock as provided by this Act, all powers heretofore existing to issue bonds or debenture stock under any former Act shall terminate and cease.

Provisions as to form, etc. of bonds.

15. The bonds or debenture stock which may be issued under this Act shall be under the seal of the company, and shall be signed by the president or vice-president of the company, and countersigned by the secretary, and may be issued, payable to order or bearer, either in sterling or in currency of Canada, or partly in sterling and partly in currency, at such place or places in Canada, or Great Britain, as may be deemed advisable, and shall be transferable by endorsement or delivery, and the holder of any bond or debenture stock may sue thereon in his own name.

Debenture stock may be perpetual or terminable.

16. The said debenture stock may be made either perpetual or terminable, and may be made, executed and issued in such form as the said company or the amalgamated company, with the consent aforesaid, may determine.

Rights of holders of bonds or debenture stock when interest in arrear.

17. In the event, at any time, of the interest upon the said new bonds or debenture stock remaining owing and unpaid, then at the next ensuing general annual meeting of the company or of the amalgamated company, and at all subsequent meetings,

meetings, so long as the said interest shall remain unpaid, all holders of said new bonds or debenture stock shall have the same rights as the holders of bonds had under the thirty-sixth section of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered thirty-eight.

Powers to sell or pledge bonds or debenture stock.

18. The company or the amalgamated company may sell, hypothecate or pledge the bonds or debenture stock to be issued hereunder, and not required to be exchanged for existing bonds or debenture stock, or reserved for such exchange, and may apply and use the proceeds for the benefit of the company or the amalgamated company as they shall see fit.

Advertisements of meetings under this Act.

19. All meetings in this Act referred to shall be advertised once a week in some daily newspaper published in Toronto, and in the *Ontario Gazette* for four consecutive weeks immediately preceding the week in which such meetings are held, and the object of the meeting shall be clearly stated therein, and at any such meeting any bondholder, holder of debenture stock or shareholder may act or vote in person or by proxy; each bondholder and holder of debenture stock shall have one vote for each one hundred pounds sterling held by him.

A vote of three-fourths in value of the bondholders and two-thirds in value of the shareholders respecting exchange of bonds to bind all bondholders and shareholders.

20. In case at any such meeting it be resolved by a vote of three-fourths or more in value of the bondholders and holders of debenture stock and two-thirds or more in value of the shareholders, there present or represented, that the existing bonds and debenture stock shall be exchanged for new bonds or debenture stock (either perpetual or terminable,) under the provisions of this Act, such resolution shall be binding on all bondholders, holders of debenture stock and shareholders whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of existing bonds, debenture stock or shares.

After a resolution is passed under s. 20 holders of existing bonds to have no right other than to exchange bonds.

21. After the passing of any such resolution, the only right of the holders of existing bonds or debenture stock in respect of principal and interest, shall be to exchange their bonds or debenture stock for the bonds or debenture stock authorized by this Act, and the only liability of the company shall be to make such exchange.

Company to have all power necessary for carrying out any agreement under preceding section.

22. The company shall have all powers necessary for the making, issue, and exchange of the said new bonds and debenture stock, and for carrying out the objects of this Act in relation thereto, and may make prior to the issue of such new bonds or stock, such rules and provisions for the registration and transfer thereof as to them may seem expedient.

CHAPTER

CHAPTER 51.

An Act to incorporate the Eastern Ontario Railway Company.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS some of the persons hereinafter mentioned have by their petition represented that they are desirous of obtaining a charter incorporating them as a company for the construction of a railway line, from a point at or near the town of Cornwall in the county of Stormont to the city of Ottawa in the county of Carleton, with branches to the town of L'Orignal in the county of Prescott, and the villages of Carleton Place and Smith's Falls in the county of Lanark, and have prayed for the passing of an Act to that end, and whereas it is expedient to grant the prayer of the said petition;

Therefore her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. Corydon J. Mattice, Henry Sandfield Macdonald, Findlay D. McNaughton, William M. Tait, John J. McIntosh, William J. McPhaul, Peter Lambert, Isaiah W. Warner, Alexander Maclean, James Rayside, William Mack, the Honourable Richard W. Scott, John Sweetland, and James Waddell Russell, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and they are hereby constituted a body politic and corporate by the name of the "Eastern Ontario Railway Company," and the words "the company," when used in this Act shall mean the Eastern Ontario Railway Company, hereby incorporated.

Object and powers of the company.

2. The company and their agents and servants may lay out, construct, equip, maintain and work a continuous double or single track iron or steel railway, from a point at or near the town of Cornwall in the county of Stormont, to the city of Ottawa in the county of Carleton, with branches to the town of L'Orignal in the county of Prescott, and the villages of Carleton Place and Smith's Falls in the county of Lanark.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Company may receive aid.

4. The company may receive from any government or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

5.

Capital stock and shares.

5. The capital of the company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but may be increased from time to time by vote of the majority in value of the shareholders present in person or represented by proxy at any meeting specially called for the purpose, to an amount not exceeding five million dollars.

Provisional directors and their powers.

6. Alexander Maclean, William M. Tait, Honourable Richard W. Scott, Henry Sandfield Macdonald, John Sweetland and James W. Russell are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, and to receive payment on stock subscribed.

First meeting of shareholders.

7. When, and so soon as one-fifth of the capital stock shall have been subscribed, and one-fifth of the amount so subscribed paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company), the said provisional directors may order a meeting of shareholders to be called at such time and place as they think proper, giving at least two weeks notice thereof in one or more newspapers published in the town of Cornwall and by a circular letter mailed to each shareholder; at which meeting the shareholders, present in person or represented by proxy, shall elect nine directors in the manner and qualified as hereinafter provided, which directors shall hold office until the first Wednesday in February in the year following their election.

Annual general meetings.

8. On the said first Wednesday in February and on the first Wednesday in February in each year thereafter, at the principal office of the said company in the town of Cornwall, or at such other place in Canada as shall be fixed by the by-laws of the company, there shall be held a general meeting of the shareholders of the company for receiving the report of the directors, transacting the business of the company, whether general or special, and electing the directors thereof.

Proceedings thereat.

(2) At such meeting the said shareholders shall elect directors for the administration of the affairs of the company during the then ensuing year, in the manner and qualified as hereinafter provided, which directors shall be nine in number unless and until their number shall be changed by by-law; and the number may from time to time be fixed by such by-law at not less than five nor more than fifteen.

Notice.

(3) Public notice of such annual meeting and election shall be published for one month before the day of election, in one or more newspapers in the town of Cornwall, in the *Ontario Gazette*,

Proxies.

Gazette, and by a circular letter mailed to each shareholder; and the election of directors shall be by ballot; and at all meetings of shareholders they may vote by proxy, such proxy to be held by a shareholder.

Quorum and qualification of directors.

9. A majority of the directors shall form a quorum for the transaction of business, and the board of directors may employ one or more of their number as a paid director or paid directors: Provided however that no person shall be elected unless he shall be the owner and holder of at least twenty shares of the stock of the company, and shall not be in arrear in respect of the calls thereon.

Municipalities granting aid may elect a director.

10. Any municipal corporation which shall give a bonus in aid of the said railway, or shall subscribe stock therein to an amount not less than twenty thousand dollars, shall be entitled, during the construction of the railway to and through the territory of such municipality, but not afterwards, to appoint a person annually to be a director of the company, and such person shall be a director of the company in addition to the other directors authorized by this Act, or by the general Railway Act, or any other Act; but such corporation shall incur no liability by the appointment of such director.

Calls on stock.

11. The directors may from time to time make calls upon the shares of the capital stock of the company in such proportion as they may deem fit, not exceeding ten per centum in any one call, nor at shorter intervals than thirty days; and thirty days' notice of each call shall be given to the shareholders in such manner as the directors shall appoint.

Head office.

12. The head office of the company shall be at the town of Cornwall, but the company may also have offices elsewhere; and the company may, by by-law, change the head office from the town of Cornwall to any other place in the Province of Ontario.

Company may become parties to promissory notes.

13. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and under the authority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein enacted; provided however, that nothing

Proviso.

nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of bonds.

14. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed twenty thousand dollars per mile of the said railway: Provided, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Preferential stock may be issued.

15. The company may issue guaranteed or preferred stock to such an amount, not exceeding ten thousand dollars per mile, as shall be authorized by the majority in value of the shareholders present in person or represented by proxy at any annual meeting or at any special general meeting thereof called for the purpose, notice of the intention to propose such issue at such meeting being given in the notice calling such meeting; but such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act.

Company may construct buildings, etc.

16. The company shall have power and authority to erect and maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures on or in connection with the said line of railway, and from time to time to alter, repair or enlarge the same as the increasing traffic may require; and to erect docks, slips and piers at any point on or in connection with the said line of railway, and at both termini thereof, for the convenience and accommo-

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dation of vessels and elevators; and shall also have full power and authority to connect any of the works herein mentioned with any point on the railway, by means of any line or lines of railway for such purposes.

Form of conveyance.

17. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors, and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates indorsed on the duplicates thereof.

Power to take material for construction or maintenance.

18. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay tracks to gravel pits, etc.

19. When said gravel, stone, earth, or sand shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to the filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be

so

so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) In estimating the damage for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Company may purchase additional lands.

20. Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

Snow fences.

21. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Telegraph lines.

22. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred upon telegraph companies, by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Arrangements with other railways.

23. The directors of the company may enter into and conclude any arrangements with any other railway company, lawfully authorized in that behalf, for the purpose of making a connection between the company hereby incorporated and such other railway company, and for the purpose of acquiring running powers over such other railway company's line of railway.

Time for commencement and completion limited.

24. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the coming into force of this Act, and its completion within eight years thereafter.

SCHEDULE

SCHEDULE A.

(Section 17.)

Know all men by these presents that I (*or* we) [*insert the name or names of the vendors*] in consideration of dollars paid to me (*or* us) by the Eastern Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (*or* we) [*insert name of any other party or parties*] in consideration of dollars, paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company, all that certain parcel (*or* those certain parcels, *as the case may be)* of land *(describe the land),* the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Eastern Ontario Railway Company, their successors and assigns [*here insert any other clauses, conditions and covenants required*], and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

CHAPTER 52.

An Act respecting the Erie and Huron Railway Company.

[*Assented to* 1*st February,* 1883.]

Preamble. WHEREAS the Erie and Huron Railway Company have petitioned that an Act may be passed to amend the Act for the incorporation of the said company, passed in the thirty-sixth year of Her Majesty's reign, and chaptered seventy, and the several Acts amending the same, so as to further extend the time for the completion of the Erie and Huron Railway to a period of one year from the times already respectively fixed for the completion thereof by the Act passed in the forty-fifth year of Her Majesty's reign, chaptered forty-nine, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 1.

1. The time of the completion of that portion of the said railway lying and being in the county of Kent is hereby extended for the further period of one year from the time now limited for the completion thereof by the Act passed in the forty-fifth year of Her Majesty's reign and chaptered forty-nine, and the time for the completion of that portion of the said railway lying and being in the county of Lambton is hereby extended for the further period of one year from the time limited by the said Act, passed in the forty-fifth year of Her Majesty's reign, chaptered forty-nine. Time for completion of railway limited by 45 V. c. 49, s. 1, extended.

2. The several agreements entered into between the said company and the different municipalities passing by-laws granting aid by way of bonus to said company before the passing of such by-laws, in consideration or in consequence of which agreements the said by-laws were voted upon or passed, and the agreement between the said company and Edward Oscar Bickford for the construction of the said railway are hereby declared to be valid and binding upon all parties thereto from the times of execution thereof. Agreements with municipalities and by-laws confirmed.

CHAPTER 53.

An Act respecting the London Junction Railway Company.

[*Assented to* 1*st February*, 1883.]

WHEREAS the London Junction Railway Company have petitioned that an Act may pass authorizing the said company to issue bonds to the extent of thirty thousand dollars per mile, and that their Act of incorporation may be otherwise amended; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section thirty-two of the Act to incorporate the London Junction Railway Company, passed in the forty-fifth year of Her Majesty's reign, is hereby repealed, and the following is substituted therefor: 45 V., c. 52, s. 32, repealed.

32. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; Issue of bonds.

taking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipment then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of thirty thousand dollars per mile; and provided further, that in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Certain payments allowed to be made in stock.

2. It shall be competent for the board of directors of the company, with the sanction and authority of the shareholders, to issue, as paid up stock in the said company, whether now subscribed for or not, and allot and pay such stock and mortgage bonds of the company in payment of rights of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons who may have been, are or may be engaged in and about the prosecution of the proposed undertaking.

CHAPTER 54.

An Act respecting certain aid to the London Junction Railway Company.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the municipal council of the corporation of the city of London, did, under the authority of the Railway Act of Ontario, on the twenty-seventh day of November, one thousand eight hundred and eighty-two, pass a by-law giving its consent to the carrying of the line of the London Junction railway, along Colborne, Bathurst and East Bathurst streets, in the said city of London; and whereas doubts exist as to the legal liability of the corporation of the city of London to compensate the owners of land fronting on those parts of the said streets, along which the said

said railway is to be carried as aforesaid, for the injury which may be done to it by the exercise of the powers hereinbefore mentioned, and the said by-law was passed upon the understanding that application should be made for the passing of an Act to authorize the said corporation to pay such compensation; and whereas, objections have been made to the carrying of the said railway, along the said streets, and it having been suggested that the said company would forego the rights granted to it by the said by-law if a bonus of thirty thousand dollars were granted to it, to enable it to purchase its right of way, through the said city of London, a by-law was passed by the said municipal council on the twenty-sixth day of December, one thousand eight hundred and eighty-two, authorizing the said municipal council to apply for the passing of an Act, to authorize the said corporation to grant a bonus of thirty thousand dollars to the said company upon its surrendering the rights granted to it by the said by-law, and without submitting the by-law for granting such aid to the electors qualified to vote thereon for their assent thereto pursuant to the provisions of the Municipal Act, and the said by-law so passed as last aforesaid has received the assent of a very large majority of the electors qualified to vote on a by-law for granting such bonus, and of far more than two-fifths of such qualified electors; and whereas the said municipal council has presented its petition setting forth the foregoing facts and praying for the passing of the necessary Act to enable it to grant such bonus, if the said company shall agree to surrender the rights granted to it by the said first mentioned by-law, and failing such agreement to enable the said municipal council to compensate the property owners aforesaid for the injury which may be done to their respective lands by the carrying of the said railway along the said streets, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

City of London authorized to grant a bonus of $30,000 to London Junction railway.

1. It shall be lawful for the corporation of the city of London, notwithstanding the provisions of section seven of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act respecting the debt of the city of London," or any other Act or law, to aid the London Junction Railway Company, by granting to it a bonus not exceeding thirty thousand dollars, and for the said municipal council to pass a by-law for granting such aid, but such aid shall be granted only upon the said company surrendering the rights granted to it by the by-law first mentioned in the preamble to this Act.

Assent of electors to by-law not required.

2. It shall not be necessary to submit the said by-law for the assent of the electors according to the provisions of the Municipal Act and the amendments thereto.

3.

By-law may provide for issue of debentures.

3. The said by-law may provide for the issue of debentures for the amount of the aid which may be granted as aforesaid, and such debentures may be made payable at such period not exceeding twenty years from the date thereof as may be deemed expedient, and may bear interest at such rate not exceeding six per centum per annum as the said municipal council shall think fit, and the interest may be made payable yearly or half yearly and coupons for the payment thereof may be attached to the said debentures.

Debentures may be made payable in sterling or currency, and at any place.

4. The said debentures and the interest thereof may be made payable in sterling money of Great Britain or currency of any country, and may be made payable in Ontario, Great Britain or elsewhere.

If council cannot agree with company for the surrender of right to use streets, compensation may be made to owners of land injuriously affected.

5. In case the said municipal council shall be unable to agree with the said company for the surrender of the rights granted to it as hereinbefore mentioned, it shall be lawful for the said municipal council to pass a by-law providing for the payment of compensation to the owners of the land fronting on those parts of the said streets along which the said railway may be carried, under the provisions of the by-law for that purpose hereinbefore mentioned, for the injury which shall be done to their respective lands by the carrying of the said railway along the said streets, and for borrowing on the credit of the said corporation the moneys required for that purpose, and for the issue of debentures therefor payable at the times with the interest and in the manner mentioned in the third and fourth sections of this Act.

Assent of electors to by-law not required.

6. It shall not be necessary to submit the said last mentioned by-law for the assent of the electors according to the provisions of the Municipal Act and the amendments thereto, and the same may be passed and the debt thereby to be created incurred, notwithstanding the provisions of the Act mentioned, in the first section of this Act, or any other Act or law.

Compensation to be determined by arbitration.

7. The amount of the compensation to be paid as aforesaid shall be determined by arbitration, under the provisions of the Municipal Act and the amendments thereto, except that there shall be but one arbitrator appointed on behalf of all the property owners and one on behalf of the said corporation, and in case the majority of the property owners do not agree upon one arbitrator within one month after the publication in a newspaper, published in the said city of London, of a notice requiring them so to do, and notify the said corporation of the arbitrator appointed by them, the judge of the county court of the county of Middlesex, may, upon the application of any of the property owners or of the said corporation, appoint an arbitrator on behalf of the property owners.

8.

8. A notice in the form following or to the like effect shall be a sufficient appointment of an arbitrator on behalf of the property owners if the same shall be signed by a majority of them. Notice of appointment of arbitrator by property owners.

To the Corporation of the City of London:

We, being a majority of the property owners interested, do hereby notify you that we have appointed to be the arbitrator on behalf of the property owners to determine the compensation to be paid to them under the provisions of the Act passed in the 46th year of Her Majesty's reign, intituled "An Act respecting certain aid to the London Junction Railway Company."

Dated this

9. The compensation so to be paid as aforesaid, shall not exceed the sum of thirty thousand dollars, and in case the amount awarded to the property owners, exclusive of costs, exceeds that sum, the said sum of thirty thousand dollars shall be divided between the property owners ratably according to the amounts awarded to them respectively. Compensation paid not to exceed $30,000.

10. The property of the Grand Trunk Railway Company shall be exempt from taxation for the payment of the principal and interest of the debentures which may be issued under the authority of this Act. Exemption of G. T. Railway from taxation.

CHAPTER 55.

An Act respecting the Napanee, Tamworth and Quebec Railway Company, and a certain bonus granted to the said Company by the Town of Napanee.

[*Assented to 1st February,* 1883.]

WHEREAS, by a certain by-law passed by the municipal council of the corporation of the town of Napanee, on the nineteenth day of July, in the year of our Lord eighteen hundred and eighty, intituled "A by-law of the corporation of the town of Napanee, to further, aid, and assist the Napanee, Tamworth and Quebec Railway Company, by giving ten thousand dollars to the said company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and interest," the said corporation granted to the said company the sum of ten thousand dollars, by way of bonus to be paid in debentures of the said corporation, upon the condition expressed in the seventh section Preamble.

section of the said by-law, that the said company should, within three years from the passing of the said by-law, have completed the grading of the said railway, and have built and completed all the bridges required on the said railway, and laid the ties and rails thereon and fully completed the said railway (which should be of the standard gauge) ready for the running of locomotives and trains between the town of Napanee and the village of Tamworth; and whereas the said company, being apprehensive that they would not be able to complete the said railway within the time limited by the said seventh section of the said by-law, prayed the municipal council of the said corporation to petition for the passing of an Act to extend the time for the completion of the said railway until the thirteenth day of September, in the year of our Lord eighteen hundred and eighty-four, and the said council accordingly on the twentieth day of November, in the year of our Lord eighteen hundred and eighty-two, passed a resolution authorizing the mayor and clerk of the said town of Napanee to petition the Legislature of Ontario to pass a special Act for the purpose aforesaid, and a petition has been presented to the said Legislature on behalf of the said council in accordance with the said resolution, praying for the passing of an Act confirming the said resolution, and the said by-law, and extending the time for the completion of the said railway according to the provisions of the seventh section of the said by-law, until the thirteenth day of September in the year of our Lord eighteen hundred and eighty-four, and making valid all debentures which may have been or may be issued under the said by-law, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Resolution extending time for construction of railway under the by-law granting aid thereto confirmed.

1. The said hereinbefore in part recited resolution is hereby confirmed, and the time within which the said company shall have built and completed all the bridges required on the said railway, and laid the ties and rails thereon, and fully completed the said railway ready for the running of locomotives and trains between the town of Napanee and the village of Tamworth, according to the provisions of the seventh section of the said by-law, in order to entitle the said company to receive the bonus granted by the said by-law, is hereby extended till the thirteenth day of September in the year of our Lord one thousand eight hundred and eighty-four, and the said by-law, as altered, amended or modified by the said extension of time, and all debentures which may have been issued thereunder are hereby declared to have been and to be good, valid, legal, binding and effectual, from the time of the passing and issuing thereof respectively, any law, usage, or custom to the contrary notwithstanding.

2.

2. Any debentures which may be hereafter issued under the authority of the said by-law, notwithstanding the same may not be issued until after the expiration of the period of three years mentioned in the seventh section of the said by-law, shall be as good, valid, and effectual, to all intents and purposes, as if the same had been issued before the passing of this Act. Debentures hereafter issued under by-law to be as valid as if issued before the passing of this Act.

CHAPTER 56.

An Act to incorporate the Thunder Bay Colonization Railway Company.

[*Assented to* 1*st February*, 1883.]

WHEREAS E. A. Wild and others have by their petition represented that it is desirable that a railway should be constructed from some point at or near the village of Prince Arthur's Landing in the district of Thunder Bay to some point south east of Arrow lake in the same district, and have prayed for an Act accordingly, and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. E. A. Wild, Simon J. Dawson, Thomas Marks, Harmon D. Hull, Alfred Boultbee, Christopher W. Bunting, Robert Laird, Daniel F. Burk, George T. Marks, William S. Colbron, George S. Hart and Theodore W. Myers, with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared a body corporate and politic by the name of the Thunder Bay Colonization Railway Company (hereinafter called the Company), and the said several persons in this section named shall be provisional directors of the said company. Incorporation.

2. The company shall have full power and authority to construct a railway from some point at or near the village of Prince Arthur's Landing to some point south-east of Arrow lake, both points in the said district of Thunder Bay. Location of line.

3. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

4. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold Power to purchase, etc., wharves, etc.

hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots and lands; and upon the said water lots and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to purchase and work vessels in connection with railway.

5. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Railway Act incorporated.

6. The several clauses of the Railway Act of Ontario shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Capital stock.

7. The capital stock of the company shall be five hundred thousand dollars, in five thousand shares of one hundred, dollars each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Provisional directors to hold office until other directors appointed.

8. The provisional directors of the said company shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders; and it shall be lawful for the provisional directors for the time being of the company, or a majority of them present at a meeting called for the

the purpose, to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves, at a meeting called for the purpose of deciding thereon, not more than five other persons, who shall thereupon become and be provisional directors of the company equally with themselves.

Powers of provisional directors.

9. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors, as hereafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette*, and in one paper published in the village of Prince Arthur's Landing, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

First election of directors.

10. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company shall have been subscribed, and ten thousand dollars shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the village of Prince Arthur's Landing and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the company, in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Allotment of stock.

11. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts, and subject to the payment of such calls, of such amount, and at such times, and at such discount, as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the

the provisions contained in section twenty-seven of the Railway Act of Ontario, and non-payment of any such instalment shall carry with it all the rights, incidents, and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share.

Directors may make certain payments in paid up stock or in bonds.

12. The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreements so made shall be binding on the company.

Annual meetings.

13. The general annual meeting of the shareholders of the company shall be held in such place in the village of Prince Arthur's Landing, or at such other place, and on such days, and at such hours as may be directed by the by-laws of the company, and notice thereof shall be sufficient, if the same be published once in the *Ontario Gazette* at least four weeks previous to the day of such meeting and once a week in one newspaper published in the village of Prince Arthur's Landing, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

14. Special general meetings of the shareholders of the company may be held at such place in the village of Prince Arthur's Landing, or at such other place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Qualification of directors.

15. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Rights of aliens.

16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Quorum of directors.

17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Agreements for lease of railway.

18. It shall be lawful for the company to enter into any agreement with any company or companies, thereto lawfully authorized, for leasing to them the said railway, or any part thereof; and it shall further be lawful for the company to enter into any agreements with any company or companies for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway, or the use thereof, and generally to make any agreement or agreements with any other companies, touching the use by one or the other, or by both companies of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

Proviso.

Agreements for use of rolling stock, etc.

19. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Negotiable instruments.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of

of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Grants of land to company.

21. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes, connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any Government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to hold additional property at the extremities of the railway.

22. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use, for the purpose of the said railway, of any stream or water-course, at or near which the said railway passes, doing however no unnecessary damage thereto and not impairing the usefulness of such stream or water-course.

Use of streams.

Power to collect back charges on goods

23. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Right to use highways.

24. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality,

pality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Telegraph lines.

25. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Exemption from taxation.

26. It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Power to acquire whole lots.

27. Whenever the company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold and enjoy the whole of such lot or parcel of land, and may sell and convey the same, or any part thereof, from time to time as they may deem it expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

Power to acquire quarries and gravel pits, etc.

28. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and

such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

29. When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Proviso.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

Issue of bonds.

30. The directors of the company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and the company may by by-law before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and other particulars in reference thereto: Provided however that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand pounds sterling and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company and at all subsequent genera

Proviso.

Proviso.

general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to shareholders: Provided that the holder of any bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have at least three days before any such meeting produced to the secretary a certificate under the hand and official seal of a Notary Public stating the numbers of such bond or bonds, and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion. Proviso.

31. The company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which, under the powers of this Act, can be issued for the construction of the railway or otherwise. Power to mortgage bonds.

32. The railway shall be commenced within two years, and completed within seven years after the passing of this Act. Time for construction.

33. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereunder written, or the like effect, shall be sufficient conveyances to the company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof. Form of conveyance.

34. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, Construction by ten mile sections.

railway, and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

Power to erect snow fences.

35. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

SCHEDULE A.

(*Section* 33.)

Know all men by these presents, that I (*or* we) [*insert the name or names of the vendor*] in consideration of dollars paid to me (*or* us) by the Thunder Bay Colonization Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land [*describe the land,*] the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said

said Thunder Bay Colonization Railway Company, its successors and assigns [*here insert any other clauses, conditions, and covenants required*], and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands. As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

CHAPTER 57.

An Act respecting the Waterloo, Wellington and Georgian Bay Railway Company.

[*Assented to* 1*st February*, 1883.]

Preamble. WHEREAS the Waterloo, Wellington and Georgian Bay Railway Company has by its petition prayed for certain amendments to its charter, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 V. c. 68, s. 3, repealed. **1**. The third section of the Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, chaptered sixty-eight, is hereby repealed, and the following inserted in lieu thereof:

Location of line. 3. The said company shall have full power and authority under this Act to construct a railway from the town of Waterloo, in the county of Waterloo, to the village of Elora, or to the village of Harriston, in the county of Wellington, or to some intermediate point between the said village of Elora and the said village of Harriston, *via* the village of St. Jacobs and the village of Elmira, in the county of Waterloo.

Time for commencement extended. **2**. The time for commencing the said railway is hereby extended to the eleventh day of March, in the year of our Lord one thousand eight hundred and eighty-six.

42 V. c. 68, s. 39, amended. **3**. The thirty-ninth section of the said Act is hereby amended by striking out the words "to the village of Drayton, and the fourth section from the village of Drayton" in the fifth and sixth lines of the said section.

CHAPTER

CHAPTER 58.

An Act amalgamating the Standard Fire Insurance Company and the Alliance Insurance Company as the Standard Fire Insurance Company.

[*Assented to* 1st *February*, 1883.]

Preamble.

WHEREAS the Standard Fire Insurance Company and the Alliance Insurance Company have, by their petition, prayed for an Act amalgamating their companies into one company and corporation, with the powers and privileges hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. In the interpretation of this Act, unless the context shall require a different interpretation, the words "the new company" shall mean the company hereby incorporated; the words "the companies hereby amalgamated" shall mean the Standard Fire Insurance Company, as that corporation has heretofore existed, and the Alliance Insurance Company.

Standard and Alliance Insurance Companies amalgamated.

2. The said the Standard Fire Insurance Company and the Alliance Insurance Company are hereby amalgamated, and the shareholders of the said companies, together with such persons and corporations as shall under the provisions of this Act become shareholders in the new company, are hereby created, constituted and declared to be a body corporate and politic, under the name of the Standard Fire Insurance Company, and from and after the passing of this Act the companies hereby amalgamated shall cease to do business, and shall not be liable to make any further returns under the provisions of the Act respecting insurance companies, except such returns as relate to the year ending the thirty-first day of December next prior to the passing of this Act, but, save as aforesaid, the new company shall make all such returns in lieu and stead of the companies hereby amalgamated.

Rights and property of amalgamated companies vested in the new company.

3. All the rights, claims, property, estate and effects of each of the companies hereby amalgamated are hereby vested in the new company subject to the provisions of this Act, and the new company shall be entitled to sue or otherwise proceed for the recovery of such rights, claims, property, estate and effects in the name of the new company, as fully as either of the companies hereby amalgamated might do if this Act had not been passed.

4.

Directors of amalgamated companies to act as directors of new company until other directors elected.

4. From and after the passing of this Act until the first election of directors thereunder, the president and vice-presidents for the time being of the said the Standard Fire Insurance Company, hereby amalgamated, and the directors of both the companies hereby amalgamated shall be the president, vice-presidents, and directors of the new company.

Capital stock.

5. The capital stock of the new company shall be one million one hundred thousand dollars, being an amount equal to the combined capital stock of the companies hereby amalgamated, divided into eleven thousand shares of one hundred dollars each, with power to increase the same from time to time, by a vote of the directors at any ordinary or special meeting, to an amount not exceeding in the whole two millions of dollars, and each holder of stock in the Standard Fire Insurance Company, hereby amalgamated, shall be a shareholder in the new company to the amount of stock he held in the said the Standard Fire Insurance Company hereby amalgamated, and with the same amount paid up thereon, and each holder of stock in the said the Alliance Insurance Company shall be a shareholder in the new company to the amount of stock he held in the said the Alliance Insurance Company, and with an amount paid up thereon equal to seventy-five per centum of the amount paid up on his stock in the said the Alliance Insurance Company.

Meeting for election of directors.

6. The directors hereinbefore appointed shall, within six months from the time this Act shall take effect, call a general meeting of the shareholders of the new company, for the purpose of electing directors of the new company, and at such meeting each director hereinbefore appointed shall be eligible to be elected.

Notice of general and annual meetings.

7. Notice of the time and place of holding such first and all subsequent general and annual meetings of shareholders, shall be given by publication twice in the *Ontario Gazette*, at least two weeks previous to the day of meeting and twice a week in a daily newspaper published in the city of Hamilton during the two weeks preceding the week in which the meeting is to be held, and the meeting shall be held at such place and on such day and hour as the directors shall from time to time appoint and name in the notice calling the meeting.

Number of directors.

8. At such general meeting the shareholders of the new company present in person or by proxy, shall elect a board of directors composed of not less than five or more than fifteen persons, any three of whom shall be a quorum.

Qualification of directors.

9. No person shall be qualified to be elected as a director unless he shall hold in his name and for his own use stock in the new company to the amount of fifty shares, whereof fifteen per centum shall have been paid in, and shall have paid all calls upon his stock and all liabilities actually matured and incurred by him with the new company.

10.

Alien shareholders.

10. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the new company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the new company.

Head office.

11. The chief place of business of the new company shall be in the city of Hamilton, or elsewhere in Ontario, as the directors may determine.

Inconsistent enactments relating to amalgamated companies repealed.

12. All the provisions of the respective Acts incorporating the companies hereby amalgamated, in so far as they are inconsistent with this Act, are hereby repealed, and this Act shall be construed and considered as a consolidation of all the powers, privileges and rights of each of the companies hereby amalgamated, and an investment of the new company therewith, and so that any powers, privileges and rights of either of the companies hereby amalgamated, and not inconsistent with this Act, even though not specially set out or referred to in this Act, shall be held, exercised and enjoyed by the new company as if specially conferred hereby, but, subject as aforesaid, where the provisions of the special Acts incorporating the said companies hereby amalgamated conflict or are inconsistent, the provisions of the special Act incorporating the Alliance Insurance Company shall apply to the new company.

Rights of creditors.

13. The creditors of each of the companies hereby amalgamated shall be to all intents and purposes creditors of the new company, and shall have and be entitled to the same rights and privileges as creditors of the new company as they heretofore had and were entitled to as creditors of the said amalgamated companies, or either of them.

Rights of policy-holders in amalgamated companies.

14. Each holder of a policy or contract of insurance in either of the companies hereby amalgamated shall be to all intents and purposes a holder of such policy or contract of insurance in the new company, and every such holder of or other person entitled under a policy or contract of insurance in either of the companies hereby amalgamated, shall have the same rights and privileges against the new company thereunder as he would have had against either of the companies hereby amalgamated had this Act not been passed ; and every existing policy or contract of insurance heretofore issued by either of the companies hereby amalgamated shall, as between the holder thereof or other person entitled thereunder and the new company, be and continue to be subject to the same terms and conditions as would have affected the same had the company by which the same was issued not been amalgamated hereby.

Suits by or against company not abated.

15. No suit, action, or prosecution by or against either of the companies hereby amalgamated shall be discontinued or abated by or on account of such amalgamation, but shall continue

tinue as if this Act had not been passed, and the new company shall pay or receive like costs as if the action, suit, or prosecution had been commenced or been defended in the name of the new company.

Deposit with Provincial Treasurer.

16. The deposit with the Provincial Treasurer required to be made by the new company under the provisions of chapter one hundred and sixty of the Revised Statutes of Ontario, intituled "An Act respecting Insurance Companies," shall consist of so much as is necessary of the combined deposit made under the said Act by the companies hereby amalgamated, and the new company shall be entitled to receive so much of the said combined deposit as shall be in excess of the amount required to be deposited by the new company under the provisions of the said Act, but thereafter the adjustment and amount of the new company's deposit shall from time to time conform to and be regulated by any general insurance law or Act relating to such deposits.

CHAPTER 59.

An Act respecting the City Gas Company of London and the London Gas Light Company.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the City Gas Company was incorporated, under the provisions of chapter sixty-five of the Consolidated Statutes of Canada, for supplying the city of London with gas, and the powers of the said company were afterwards extended by the provisions of the Act of the Legislature of Ontario, passed in the thirty-fifth year of Her Majesty's reign, intituled an Act respecting the City Gas Company of the city of London:

And whereas the London Gas Light Company was incorporated under the provisions of chapter one hundred and fifty-seven of the Revised Statutes of Ontario for the purpose of supplying with gas the said city of London, the town of London East, the village of London West, and the townships of London and Westminster:

And whereas the City Steam Heating Company of London, Ontario, was incorporated under the provisions of "The Ontario Joint Stock Companies' Letters Patent Act:"

And whereas by an Act passed in the forty-third year of Her Majesty's reign, intituled "An Act to provide for the amalgamation of the City Gas Company and the City Steam Heating Company of London, Ontario, and to extend the powers of the amalgamated companies," additional powers were conferred upon the said the City Gas Company, and authority

was

was given to the said company to amalgamate with the said the City Steam Heating Company of London, Ontario, under the name of the City Light and Heating Company of London:

And whereas the said two companies were afterwards amalgamated under the provisions of the said last mentioned Act:

And whereas by an Act passed in the forty-fifth year of Her Majesty's reign, intituled "An Act to amend the present Acts of incorporation of the City Light and Heating Company of London," the name of the said City Light and Heating Company of London was changed to the City Gas Company of London, and authority was conferred upon the said company to increase the capital stock of the said company to the sum of two hundred and fifty thousand dollars:

And whereas doubts exist as to how far the said City Gas Company of London is governed by the provisions of chapter one hundred and fifty-seven of the Revised Statutes of Ontario, and how far by the provisions of "the Ontario Joint Stock Companies' Letters Patent Act," and it is expedient to remove such doubts:

And whereas the said Company hath by its petition prayed that an Act be passed to grant to the said company authority to purchase the franchise, property, business and assets, of the said the London Gas Light Company, and to pay therefor by issuing and allotting fully or partly paid up stock in the said company at par or at such rate of discount as may be agreed on, or for the said two companies to unite and form one company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Powers of City Gas Company declared.

1. The said the City Gas Company of London, Ontario, is declared to be a body politic and corporate, having all the powers, rights, privileges and authorities conferred by any of the said recited Acts or by incorporation thereunder or otherwise upon, or which might heretofore or may now be lawfully exercised by the said the City Gas Company, the said the City Steam Heating Company of London, Ontario, the said City Light and Heating Company of London, and the said the City Gas Company of London, Ontario, or any or either of them, save and except where otherwise provided by this Act.

Provisions of R.S.O. c. 150, to govern in case of conflict with c. 157.

2. The provisions of the Revised Statute of Ontario, chapter one hundred and fifty, shall wherever the same conflict or are inconsistent with the provisions of the Revised Statute of Ontario, chapter one hundred and fifty-seven, apply to the said the City Gas Company of London, instead of such last mentioned provisions.

City Gas Company empowered to pur-

3. The said the City Gas Company of London may purchase the franchise, property, business, and assets of the said the London

don Gas Light Company for such price as may be agreed on between the said two companies, and may issue and allot in payment therefor partly or fully paid up shares in the said the City Gas Company of London, of the issue authorized by the by-law of the said company, passed under the authority of the Act providing for the increase of the capital stock of the said company hereinbefore recited, at par or at such rate of discount as may be agreed on between them, and it shall be lawful for the said the London Gas Light Company to sell and convey to the said the City Gas Company of London, its franchise, property, business and assets, and to accept in payment therefor the shares hereinbefore mentioned.

chase the franchise and property of the London Gas Light Company.

4. The said the City Gas Company of London, Ontario, and the said the London Gas Light Company may unite, amalgamate and consolidate their respective stocks, properties, business and franchises, and may enter into all contracts and agreements necessary to such union and amalgamation.

Amalgamation of City Gas Company and London Gas Light Company authorized.

5. The directors of the said two companies may enter into an agreement, under the respective corporate seals of the said two companies, for the amalgamation and consolidation thereof, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount of the par value of each share and the manner of converting the capital stock of each of the said companies into that of the new corporation, and how and when and for how long the directors and other officers of such new corporation shall be elected and when elections shall be held, with such other details as they deem necessary to perfect such new organization and the consolidation and amalgamation of the said two companies and the after management and working thereof.

Directors may agree as to terms of amalgamation.

6. Such agreement shall be submitted to the shareholders of each of the said two companies at a meeting thereof to be held separately for the purpose of taking the same into consideration, notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each shareholder of the said two companies respectively at his last known post-office address or place of residence, and also by a general notice to be published in a newspaper published in the city of London once a week for two successive weeks, and also in the *Ontario Gazette* for the like period.

Agreement to be submitted to shareholders.

7. At such meetings of shareholders the said agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to cast one vote, and the said ballot may be cast in person or by proxy; if two-thirds of the votes of all the shareholders

Agreement to be confirmed if approved by two-thirds of the votes of all the shareholders.

holders of the said two companies respectively are for the adoption of such agreement, then that fact shall be certified upon the said agreement by the secretary of each company under the corporate seals thereof, and if the said agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the agreement so adopted and the said certificates shall be filed in the office of the Provincial Secretary, and the said agreement shall from thenceforth be taken and deemed to be the agreement and act of consolidation and amalgamation of the said two companies, and a copy of such agreement so filed and of the certificates thereon certified by the Provincial Secretary shall be evidence of the existence of such new corporation.

Companies to be consolidated when agreement perfected and filed as provided in the preceding section.

8. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as therein provided, the said two companies shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises, and be subject to all the liabilities and duties of each of the said companies, except as herein otherwise provided.

On consummation of consolidation all property vested in the new corporation.

9. Upon the consummation of the said act of consolidation as aforesaid, all and singular the business, property, real personal and mixed, and all the rights and interests appurtenant thereto, all stock, mortgages and other securities, subscription and other debts due on whatever account and other things in action belonging to the said two companies, and each of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed.

Liens and rights of creditors preserved.

10. All rights of creditors and liens upon the property of either of the said two companies shall not be impaired by such consolidation, and all debts, liabilities and duties of each of the said two companies shall thenceforth attach to the new corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Actions by or against amalgamated companies not affected.

11. No action or proceeding by or against the said two companies or either of them shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding the said two companies and each of them may be deemed to continue to exist, or the new corporation may be substituted in such action or proceeding in place thereof.

Provisions of R.S.O. c. 150, and not of c. 157, to apply

12. The provisions of the Revised Statute of Ontario chapter one hundred and fifty shall, wherever the same conflict or are inconsistent with the provisions of the Revised Statute of Ontario

Ontario chapter one hundred and fifty-seven, apply to the said new corporation instead of such last mentioned provisions. to new corporation where conflicting.

13. In the event of the powers conferred by the third section of this Act being exercised, the City Gas Company of London shall become and be bound to carry out the conditions upon which authority was granted to the London Gas Light Company to lay down its pipes in the city of London, as set forth in the by-law granting such authority, and the covenants on the part of the said last mentioned company contained in the agreement between it and the said corporation for the supply of gas to the said corporation. Exercise powers granted by s. 3 to be subject to certain conditions.

CHAPTER 60.

An Act to amend the Acts respecting the Lake Scugog Marsh Lands Drainage Company.

[*Assented to* 1*st February*, 1883.]

WHEREAS the Lake Scugog Marsh Lands Drainage Company have prayed for certain amendments to their Act of incorporation passed in the forty-second year of Her Majesty's reign and chaptered forty-nine and amended by an Act passed in the forty-fourth year of Her Majesty's reign and chaptered fifty-four; and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in section twenty of the Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, chaptered forty-nine, intituled "An Act to incorporate the Lake Scugog Marsh Lands Drainage Company," or of anything contained in section number two of the Act passed in the forty-fourth year of the reign of Her said Majesty Queen Victoria, intituled "An Act to amend the Act incorporating the Lake Scugog Marsh Lands Drainage Company," the said company may, in lieu of roadways or embankments of the character and description mentioned in the said sections, construct such an embankment as will be suitable and sufficient for stopping the flow of the water over the lands of the said company, without being required to make such last mentioned embankment suitable for a highway. Company may construct an embankment sufficient only to stop flow of water.

2. The said company shall not have or exercise any of the powers or privileges mentioned in the preceding section of this Act, Company to grant rights to municipalities

to construct highway before exercising powers given in preceding section.

Act, unless and until by a proper and sufficient conveyance in that behalf the said company shall have granted and conveyed to the municipalities of the townships of Cartwright and Scugog, and the village of Port Perry, the right to construct, keep and maintain upon and over the lands of the said company a road or highway sixty-six feet wide from a point in the said township of Cartwright to a point in the township of Scugog, defining with reasonable accuracy the course and limits of said road or highway, with power to the said municipalities to convey and assign such right to any joint stock company that may hereafter be formed for the construction of such road or highway, nor unless and until such conveyance from the said company to the said municipalities, and a copy of the plan mentioned in the next succeeding section of this Act shall have been duly registered by the said company in the respective Registry Offices of the county of Ontario and of the west riding of the county of Durham.

Municipalities to furnish company with a plan of proposed highway

3. Section two of this Act shall have no force or effect unless the said municipalities or some or one of them shall, within four months from the date of the passing of this Act, furnish to the said company a map or plan prepared for registration, and shewing with reasonable accuracy as aforesaid the course and limits of the proposed road or highway mentioned in said section two.

Time extended.

4. The time for commencing the works to be carried on under the said Acts and this Act is hereby extended for six months, but thereafter the said works shall be continuously carried on and completed within three years.

CHAPTER 61.

An Act relating to the Commercial Travellers' Association of Canada.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the Commercial Travellers' Association of Canada, under the several Acts of the Parliament of Canada relating thereto, passed by-laws making provision for the payment out of its funds of "Accident Bonuses" and "Mortuary Benefits" to the members of the Association and their families; and whereas such by-laws were confirmed by an Act of the said Parliament passed at its last session, and chaptered one hundred and twenty, and it is expedient that the benefits under such by-laws should be assured and given effect to, so far as the same is within the power of the Legislature of Ontario;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Money payable under by-laws to members or other persons to be free from claims of creditors, etc.

1. So far as the same is within the power of the Legislature of Ontario, it is hereby declared and provided that when, under the by-laws of the said Association, any money becomes payable to or for the use or benefit of any member thereof, such money shall be free from all claims by the creditors of such member; and where, on the death of any member of the said association, any sum of money becomes payable under such by-laws, the same shall be paid by the association, or the proper officers thereof, to the person or persons entitled thereto under the said by-laws; and such money shall, to the extent of three thousand dollars, and when the same is payable to the wife or child or children of the deceased member, or any of them, be free from all claims by the personal representatives or creditors of the deceased; and in case any sum is paid in good faith to the person who appears to the association to be entitled to receive the same no action shall be brought against the association, or any officer thereof, in respect of the money so paid; but, nevertheless, if it subsequently appears that such money has been paid to the wrong person, or persons, the person entitled thereto may recover the amount with interest from the person or persons who may have wrongfully received the same.

Payments to person who appears to be entitled.

CHAPTER 62.

An Act to incorporate the Institute of Accountants of Ontario.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS an association has been for sometime organized under the name and style of the Institute of Accountants of the Province of Ontario, on the basis of a like institute duly chartered in Great Britain and hailing from London, Liverpool, Manchester, Glasgow and other large commercial centres therein, and such association now numbers over two hundred members hailing from Toronto, Kingston, Hamilton, London, Brantford, Belleville, St. Catharines, Cobourg, and other commercial centres of the Province, such membership comprising the financial managers and accountants of leading firms of such localities: and whereas Samuel Bickerton Harman, president, John J. Mason, vice-president, and G. W. Banks, E. R. C. Clarkson, R. T. Coady, W. H. Cross, W. A. Douglas, H. W. Eddis, W. F. Findlay, R. H. Gray, Francis C. Ireland, J. W. Johnson, John Massey, R. D. Millar, J. T. Moore, A. G. Ramsay, Charles Robertson, and S. Whitt, members of the council of the said association, on behalf of the members thereof, have petitioned to be granted

granted a charter of incorporation to enable them more efficiently to give effect to the aims they seek to accomplish as an intellectual and educational movement to raise the standard of accountancy, with such corporate powers as are hereinafter mentioned; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Institute of Chartered Accountants of Ontario incorporated.

1. The said Samuel Bickerton Harman, John J. Mason, G. W. Banks, E. R. C. Clarkson, R. T. Coady, W. H. Cross, W. A. Douglas, H. W. Eddis, W. F. Findlay, R. H. Gray, Francis C. Ireland, J. W. Johnson, John Massey, R. D. Millar, J. T. Moore, A. G. Ramsay, Charles Robertson, and S. Whitt, and, all other persons who may hereafter from time to time be admitted to membership of the corporation, are hereby constituted a body politic and corporate by the name of "The Institute of Chartered Accountants of Ontario," and the said corporation (hereinafter called the Institute) shall, subject to the provisions of this section, be capable in law by its corporate name, to take, purchase, hold, sell and dispose of all and any goods, chattels, lands, tenements and hereditaments, and any real or personal property whatsoever, and any interest therein, which may from time to time be necessary or convenient for the purposes of the Institute; but the Institute shall not engage in trade, or so deal in lands or any interest therein, but may receive, manage and invest voluntary contributions and donations from members or others as a benevolent fund for the benefit of needy or non-prosperous members or their families, including the families of deceased members; provided always that the said Institute shall only have power to acquire and hold such real estate as shall not at any one time exceed an annual value of three thousand dollars, and shall have and hold such real estate only so far as the same shall be necessary for the purposes of the said Institute within Ontario.

Proviso.

Powers of Institute.

2. The Institute is hereby empowered to promote, and increase by all lawful ways and means, the knowledge, skill and proficiency of its members in all things relating to the business or calling of an accountant, and to that end to establish classes, lectures and examinations, and prescribe such tests of competency, fitness and moral character as may be thought expedient to qualify for admission to membership, and to grant diplomas of fellowship to competent members enabling them to use the distinguishing letters F. C. A. (Fellow of the Chartered Accountants) as a test of such competency.

Power to make by-laws.

3. The Institute, in general or special meeting assembled, may make by-laws for carrying out its objects, and may alter and vary the same from time to time; and after the first set of by-laws has been made no new one shall be made, nor shall any by-law

by-law be altered unless written notice thereof has been given at a previous meeting.

Officers of Institute.

4. The officers of the Institute shall consist of a president, two vice-presidents, a secretary, and a treasurer (the same person being eligible for both the last mentioned offices), and such other officers as may be provided for by the by-laws; the affairs, business and concerns of the Institute shall be managed by a council, including the said officers, the number of which shall be regulated by the by-laws, all of whom shall be members of the Institute, and who shall be elected annually at such time and place as may be provided by the by-laws; all vacancies which may occur in the council by death or otherwise, in the interval between two annual meetings, may be filled by the council.

First officers and council.

5. The said Samuel Bickerton Harman, John J. Mason, G. W. Banks, E. R. C. Clarkson, R. T. Coady, W. H. Cross, W. A. Douglas, H. W. Eddis, W. F. Findlay, R. H. Gray, Francis C. Ireland, J. W. Johnson, John Massey, R. D. Millar, J. T. Moore, A. G. Ramsay, Charles Robertson, and S. Whitt, shall be the officers and council of the Institute until others under the provisions of this Act shall be elected to fill their place.

Entrance and annual fees.

6. The council may fix an entrance and an annual fee or subscription to be paid by all members, and may vary the amount from time to time, and no member shall be personally liable for any debt of the Institute beyond the amount of his unpaid fees or subscription as aforesaid.

Annual meetings.

7. An annual meeting shall be held for the election of the council of the Institute, and for such other business as may be brought before such meeting, at such time and place, and under such regulations and notices as by the by-laws of the Institute shall be determined; and in default of such election being held at the proper time, the existing council shall continue to act until their successors shall be duly appointed.

Admission and expulsion of members.

8. The Institute may admit as members such persons as it sees fit, and may expel any member for misconduct or violation of the rules and by-laws of the Institute on complaint and after inquiry.

Power to affiliate with other Institutes.

9. The Institute shall have power to affiliate with any other institute or association of accountants, whether in the Dominion of Canada, Great Britain, or the United States of America, or elsewhere, for purposes of mutual benefit to the profession.

Persons, or representatives of persons, ceasing to be members to have no claim on funds.

10. If any member during his lifetime ceases to be a member of the Institute, he shall not, nor shall his representatives, have any interest in, or claim against, the funds or property of the Institute.

CHAPTER 63.

An Act to incorporate the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS the Right Reverend Arthur Sweatman, D.D., Bishop of the Diocese of Toronto, having in contemplation the erection of a cathedral with its Dean and Chapter in the city of Toronto, in connection with the Church of England in Canada, either by procuring a piece of land in the said city of Toronto as a site for the same, and erecting cathedral buildings thereon, or by converting one of the several existing parochial churches in the said city of Toronto into a cathedral church and buildings appurtenant or accessory thereto, and to be used in connection therewith; and whereas the Incorporated Synod of the Diocese of Toronto at its session held in November, 1881, resolved that this Synod highly approves of the suggestion made by the Lord Bishop in his opening address regarding the foundation of a cathedral establishment, and they recommend the subject to the attention of the executive committee, with authority to take any steps which may be necessary to secure the desired result; and whereas a petition hath been presented to this Legislature praying that the Dean and Chapter of said cathedral may be incorporated, and it is expedient to grant such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. There shall be and there is hereby constituted and established in the city of Toronto, in the Province of Ontario, a body politic and corporate, in connection with the Church of England in Canada, under the name of "The Dean and Chapter of the Cathedral of St. Alban the Martyr," which corporation shall consist of the Right Reverend the Bishop of Toronto for the time being in connection with the said Church, who shall be the Dean of the Chapter hereby incorporated, and the Archdeacons and Canons of the said Diocese of Toronto for the time being, and eight lay members, four to be elected by the individual clerical members of the said Synod of the Diocese of Toronto, and four to be elected by the individual lay members of the said Synod in Synod assembled, and such lay members, when so elected, shall hold office during life or until resignation or removal of residence from the Diocese of Toronto; the said Bishop, Archdeacons, Canons, and lay members of the said Chapter shall be the governing body of the said corporation, except only that the powers of the lay members of the said chapter shall be limited to the management of the temporalities of the said corporation.

2.

2. The said corporation shall have perpetual succession, and a common seal, and all other the rights and privileges vested by "The Interpretation Act" of the Province of Ontario, in corporations generally; and shall have full power to make and establish such and so many statutes, by-laws, rules and regulations, (not contrary to this Act, or the laws of this Province) as they shall deem useful or necessary, as well concerning the erection and completion of cathedral buildings, as for the superintendence, advantage and improvement of all the property moveable or immoveable which shall hereafter belong to the said corporation; and shall have power and authority to take by deed from such person or persons, or corporations as may be willing to sell the same a piece of land in the said city of Toronto as a site for the said cathedral buildings, and to hold the same for the said corporation with power to mortgage the same as security for money which may be borrowed for the purpose of erecting or completing cathedral buildings, and shall have power and authority to take and to hold for the said corporation any existing parochial church in the said city of Toronto, with the churchyard, school-house, and parsonage, if any, and their several appurtenances or any part thereof, by deed from any corporation or person in whom the same or any part thereof may be vested, with the concurrence of the Rector and Churchwardens of said church, who are hereby empowered to give such concurrence; and it shall be the duty of such corporation or person to execute such deed upon being required so to do by the said Rector and Churchwardens, and upon any such parochial church being so taken and conveyed, the provisions of sections one to fifteen, both inclusive, of the Act passed in the third year of the reign of Her Majesty Queen Victoria, and chaptered seventy-four, shall cease to be applicable thereto. Powers of corporation.

3. The body incorporated by this Act, may from time to time, and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage, and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of twenty thousand dollars, nor otherwise than for their actual use or occupation for the purposes of the said corporation; and it is further enacted that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interest therein, provided such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold any lands or tenements or interest therein by any gift, devise or bequest, so as that the annual value thereof shall at any one time in the whole exceed the annual value of two thousand dollars; and no lands or tenements or interests therein Power as to lands.

therein acquired by gift, devise or bequest shall be held by the said corporation, unless required for the actual use thereof, for a longer period than seven years after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retains any interest therein, and the proceeds on such disposition shall be invested in public securities, municipal debentures or other approved securities for the use of the said corporation, and such lands, tenements or interests therein, or such thereof which may not within the same period have been disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or asssigns, according to the nature or quality thereof.

Power to issue debentures.

4. The said corporation is hereby further authorized and empowered, so soon as any parcel of land shall have been conveyed to, and vested in the corporation for the purposes aforesaid, and at any time thereafter to execute and issue debentures in currency or sterling to such an amount as may be necessary to defray the cost of cathedral buildings, not exceeding in the whole seventy-five thousand dollars, and in such sums not less than fifty dollars each and at such rate of interest and redeemable at such times and places as the governing body of the said corporation may determine, and in the event of their acquiring as aforesaid any existing parochial church in the said city of Toronto and of the same having been conveyed to and vested in the said corporation, then or at any time thereafter they may execute and issue debentures in currency or sterling to such an amount as may be necessary to defray the cost of converting the said church into such cathedral buildings, and completing the same, not exceeding in the whole the sum of fifty thousand dollars, and in such sums not less than fifty dollars each, and at such rate of interest and redeemable at such times and places as the governing body of the said corporation may determine.

Debentures to be a charge on the cathedral lands and buildings.

5. The debentures so issued as aforesaid without registration or formal conveyance shall be charges upon the said block of land and the buildings and edifices which are or may hereafter be erected thereon, or upon the buildings of such parochial church as may be acquired as hereinbefore mentioned, and also upon any policy or policies of insurance effected by the said corporation upon the said buildings, or any of them, and which shall be subsisting at any time during the currency of the said debentures; and each holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said block of land or such parochial church property as may be acquired as hereinbefore mentioned, together with the said buildings and insurance; but subject, nevertheless, to any prior registered mortgage or other registered incumbrance on said block of land or such parochial church property as may be acquired as hereinbefore

hereinbefore mentioned, created and registered prior to the issue of any such debentures.

Election of lay members of Chapter.

6. The eight lay members of the Chapter, so to be elected as aforesaid shall be elected at the first session of the said Synod of the Diocese of Toronto to be held after the passing of this Act, and shall be elected by ballot. Two clerical members of Synod and two lay representatives in Synod (to be appointed by the Synod) shall be the scrutineers of the clerical and lay vote respectively. Ballot boxes shall be provided to receive the votes of the clergy and laity respectively. The individual votes of the clergy shall be polled for four of such lay members of the Chapter, and the individual votes of the lay representatives for four lay members of the Chapter. Upon each member of the Synod depositing his vote a mark shall be placed opposite his name on the roll by the secretary of the order to which he belongs. The scrutineers shall hand over the votes to the secretaries of Synod, whose duty it shall be to preserve them until the election of such lay members of the Chapter shall be completed and announced by the president of Synod.

Filling vacancies in number of lay members of Chapter.

7. Whenever a vacancy shall occur in the number of lay members of the Chapter, either by the death, resignation, removal from the Diocese of Toronto or otherwise of any one or more of them, the vacancy or vacancies so occurring shall be supplied by an election to fill such vacancy or vacancies in the mode hereinbefore prescribed, and in case such vacancy shall have occurred by the death, resignation or removal of a lay member of the Chapter elected by the clerical members of Synod his place shall be supplied by a lay member elected by the clerical members of Synod, and in like manner if the vacancy shall have occurred from any of the said causes occurring in the case of one elected by lay representatives of Synod, the vacancy shall be supplied by a lay member to be elected by lay representatives of Synod, and such election shall be had at the first session of the said Synod of the Diocese of Toronto, held after such vacancy or vacancies shall have occurred.

CHAPTER 64.

An Act relating to the Roman Catholic Episcopal Corporation of Ottawa.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS, by and under an Act passed in the twelfth year of Her Majesty's reign, and chaptered one hundred and thirty-six, intituled "An Act to incorporate the Roman Catholic Archbishop

Archbishop and Bishops in each Diocese in Lower Canada," and by and under a certain other Act passed in the twenty-fourth year of Her Majesty's reign, and chaptered one hundred and twenty-eight, "The Roman Catholic Episcopal Corporation of Ottawa" is a corporate body with certain powers as therein defined; and whereas the said first mentioned Act was expressly limited in its operation to the then Province of Lower Canada, and did not apply to the Province of Upper Canada, except that in and by the tenth section of said Act the said corporation was empowered to acquire, hold and enjoy lands and hereditaments in Upper Canada, as well as in Lower Canada; and whereas a portion of the Roman Catholic Diocese of Ottawa is within the Province of Ontario; and whereas the Right Reverend Joseph Thomas Duhamel, Roman Catholic Bishop of the said Diocese of Ottawa, has petitioned this Legislature to pass an Act to more particularly define the powers of the said corporation as to acquiring, possessing, holding, enjoying and disposing of lands, tenements and hereditaments, within Ontario, and to make the other provisions in respect of said Corporation hereinafter in this Act contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to acquire and hold lands and dispose of the same.

1. The Roman Catholic Episcopal Corporation of Ottawa is hereby enabled and empowered to acquire either by deed of conveyance or by will, any lands, tenements, or hereditaments situate in that part of the said Roman Catholic Diocese of Ottawa, which is within the Province of Ontario, and to have, hold, possess and enjoy the same for the general uses and purposes eleemosynary, ecclesiastical or educational, of the said Diocese or of any portion thereof, with power to convey or alienate the same or any part thereof in the manner hereinafter provided either by sale, exchange, mortgage, assignment, release, demise, or other disposition thereof for such estates or terms of years, either absolutely or conditionally as may be determined upon.

Lands, etc., vested in the corporation.

2. Subject to all existing rights of property therein, and to all liens and incumbrances thereon, had or held by or vested in any person other than the said Right Reverend Joseph Thomas Duhamel, the soil and freehold as well as the fee of all lands, tenements and hereditaments, and of all burial-grounds and churches and chapels now belonging to and used, held, occupied, possessed or enjoyed by the said Right Reverend Joseph Thomas Duhamel or his church in communion with the Church of Rome as aforesaid, or by the said corporation, and of all churches and chapels now being erected or to be hereafter erected in the said Diocese of Ottawa, and in communion with the Church of Rome as aforesaid, shall, so far as the same are

are or may be situate in that part of the said Diocese which is within Ontario, be and are hereby declared to be vested in the said corporation for the general uses and purposes aforesaid; the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, laws, and usages to the contrary notwithstanding.

Devises to corporation.

3. Notwithstanding anything contained in the said Acts mentioned in the preamble hereto, the said corporation shall have power to take or acquire by will or devise any lands, tenements, or hereditaments within Ontario, or any interest therein, provided said will or devise shall have been made and executed at least six months before the death of the person making the same, and shall have been duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect: Provided always that in case the said corporation is disabled from registering any such will or devise within the said time, by reason of the contesting of such will or devise, or by any other inevitable difficulty, without the wilful neglect or default of the said corporation, then the registration of said will or devise within the space of twelve months next after attainment by said corporation of such will or devise or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section.

Deeds to be registered within twelve months from date of execution.

4. All deeds of any such real estate made and executed by or in favour of the said corporation (except leases for a term not exceeding twenty-one years) shall be duly registered according to law within twelve calendar months after the making and execution thereof, otherwise the same shall be void and of none effect.

Conveyance to corporation of lands held in trust.

5. It shall be lawful for any person in whose name any lands, tenements or hereditaments within Ontario are now, or shall or may be hereafter vested in trust or otherwise for the benefit either of the said Bishop of the said Diocese of Ottawa for the time being or of the said corporation, from time to time to convey, assign or transfer by deed all or any of the said lands, tenements or hereditaments, unto the said corporation for the general purposes and uses aforesaid as provided by this Act.

Powers of borrowing.

6. The said corporation shall have power to borrow moneys on mortgage security of the real estate of the said corporation within Ontario for the purpose of purchasing real estate for any of the purposes of the said corporation, or for the purpose of erecting, finishing or repairing any church, chapel, seminary or clergyman's residence erected or to be erected, and for enlarging the same or to pay off any debt which may have been or may be incurred by such corporation; provided that the person or persons or corporations from whom such moneys shall

Lender not bound to see to application

of purchase money.

shall be borrowed on any such mortgage security, shall not be obliged to see to the application of the said moneys or of any part thereof.

Conveyances may be executed by Bishop on behalf of the said corporation when consent of two other functionaries obtained.

7. Notwithstanding anything contained in the said Acts mentioned in the preamble hereto it shall be lawful for the Bishop of the said Diocese of Ottawa for the time being in the name of the said corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole, or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired within Ontario, by the said corporation under and by virtue of the said Acts or of this Act, with the consent in writing of his Coadjutor or Senior Vicar-General and one additional clergyman to be selected or named by the said Bishop for the time being; and in case there shall happen to be no Coadjutor or Vicar-General, or in case either of them shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the said Bishop, all such selections or nominations and such consent to appear upon the face of the deed or other instrument in writing, intended to be executed by the parties, and to be testified by the said Bishop and Coadjutor or Senior Vicar-General and one additional clergyman, or by such two clergymen as aforesaid, as the case may be, being made parties to and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

A declaration on face of deed to be evidence of certain facts.

8. A declaration on the face of the deed, mortgage or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section, is to be sufficient evidence of the matters therein referred to.

Discharges of mortgages, how executed.

9. Any statutory discharge of mortgage required to be given by the said corporation within Ontario shall be deemed to be sufficiently valid if executed by the Bishop of the said Diocese for the time being and his Coadjutor or Senior Vicar-General with one additional clergyman, or by two clergymen in the event of there being neither Coadjutor nor Senior Vicar-General, with the seal of the said corporation affixed thereto, and no recitals shall be necessary therein or therefor.

Coadjutor to act for Bishop in case of illness, etc.

10. In case the Bishop for the time being of the said Diocese shall, from sickness, infirmity, or any other cause, become incapable or be incapacitated to perform his duties in the said Diocese, then his Coadjutor or the person or persons administering the Diocese for the time being shall, during such sickness, infirmity or incapacity, have the same powers as are by this Act conferred upon the said corporation or the said Bishop.

11.

11. Nothing herein contained shall affect or be construed to affect in any manner or way the rights of any person or persons or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for. Right preserved.

12. The provisions of this Act and each and every of them are to have and are intended to have force and effect to the extent only that the same are within the power of the Legislature of Ontario to declare and enact. Extent to which Act to take effect.

13. For the purposes of the said corporation, deeds or conveyances in the form and with the recitals as set out in Schedule A hereunder annexed, or those in similar form or with similar recitals may as to real estate within Ontario be used for the objects specified therein or intended thereby, or for any similar object. Form of conveyance.

SCHEDULE A.

This Indenture made in duplicate the day of one thousand eight hundred in pursuance of the Act respecting short forms of conveyances (mortgages *or* leases, *as the case may be*)

Between the Roman Catholic Episcopal Corporation of of Ottawa of the first part;
John Jones, of etc., of the second part
the Right Reverend Joseph Thomas Duhamel (*or as the case may be*) Bishop of the Roman Catholic Diocese of Ottawa, in Canada, of the third part
and the Right Reverend *or* Very Reverend Coadjutor Bishop *or* Vicar-General (*as the case may be*) and the Reverend clergyman of the said Diocese or (*naming two clergymen if there be neither Coadjutor nor Vicar-General, and adding recital to that effect*)
of the fourth part:

Whereas the parties hereto of the first part, have contracted with the party hereto of the second part, for the sale (mortgage, lease, *etc.*,) of the lands hereinafter described; and whereas the party hereto of the third part is the present Bishop of said Diocese, and the parties hereto of the fourth part are the proper persons whose consent is necessary to this conveyance, under the terms of the statute incorporating the parties of the first part; and whereas the parties hereto of the fourth part join in this conveyance in order to testify in writing their consent to the sale (mortgage, *etc.*,) as aforesaid, pursuant to said statute:

Now therefore this Indenture, etc., *as in other conveyances. After covenants.*

The

The parties hereto of the fourth part hereby consent to this conveyance and are made parties herein and execute the same for the purposes hereinbefore set forth.

In witness whereof the parties hereto have hereunto set their hands and seals, the seal of the said corporation being affixed by the party of the third part.

Signed, sealed and delivered in the presence of two credible witnesses. [L. S. C.]
A. B. [L. S.]
C. D. [L. S.]
[L. S.]

CHAPTER 65.

An Act to incorporate the Roman Catholic Bishop of the Diocese of Peterborough, in Ontario, Canada.

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS, by an Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two, intituled "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," the then Bishops of the Diocese of Toronto and Kingston, and their successors, in communion with the Church of Rome, were declared to be each respectively a body corporate in deed and in name, in his respective Diocese aforesaid, with a corporate name as therein determined, and that each of them by his separate name should have perpetual succession and a common seal with powers thereto, as therein defined, and with power "to have, hold, purchase, acquire, possess and enjoy for the general use or uses eleemosynary, ecclesiastical or educational, of the said church, or of the religious community, or of any portion of the same community within his Diocese, any lands, tenements, or hereditaments within the Province of Canada," and with power to sell and otherwise dispose of the same as therein limited, and also with power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of law and equity in as large, ample and beneficial a manner as any other body corporate, or any other person may or can sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever; and whereas, by the ninth section of the said Act it was enacted "that whenever it may be deemed expedient to erect any new Diocese or Dioceses in that part of the Province formerly called Upper Canada, the Bishop or Bishops of such new Diocese or Dioceses, and his or their successor or successors for the time being,

being, shall have the same powers as are by this Act conferred upon the said Bishops of Kingston and Toronto respectively;" and whereas the new Diocese of Peterborough, in communion with the Church of Rome, has recently been erected in Ontario within the meaning of said Act, and a portion of said new Diocese, prior to the same being so erected, formed a part of the said Diocese of Kingston; and whereas the Right Reverend John Francis Jamot, the Roman Catholic Bishop of the said Diocese of Peterborough, and formerly Roman Catholic Bishop of Sarepta, and Vicar Apostolic of Northern Canada, has petitioned this Legislature to pass an Act incorporating the Roman Catholic Bishop of the Diocese of Peterborough, and, for greater certainty, with the corporate name and the powers as to acquiring, possessing, holding, enjoying and disposing of lands, tenements and hereditaments, and such other powers and privileges as hereinafter in this Act are more particularly mentioned and set forth; and whereas it is expedient to grant the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporate name.

1. From and after the passing of this Act, the said Right Reverend John Francis Jamot, and his successor and successors, being Bishop of the Diocese of Peterborough aforesaid, in communion with the Church of Rome, shall be, and are hereby declared to be, a body corporate in the Diocese aforesaid, by and with the corporate name of "The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada."

Power to acquire and hold lands, and to dispose of the same.

2. The said corporation is hereby enabled and empowered to acquire either by deed of conveyance or by will, any lands, tenements, or hereditaments within the Province of Ontario, and to have, hold, possess and enjoy the same for the general uses and purposes eleemosynary, ecclesiastical or educational, of the said Diocese of Peterborough or of any portion thereof, with power to convey or alienate the same or any part thereof in the manner hereinafter provided either by sale, exchange, mortgage, assignment, release, demise, or other disposition thereof, for such estates or terms of years, either absolutely or conditionally as may be determined upon.

Lands, etc., vested in the corporation.

3. Subject to all existing rights of property therein, and to all liens and incumbrances thereon, had or held by or vested in any person other than the said Right Reverend John Francis Jamot, the soil and freehold as well as the fee of all lands, tenements and hereditaments, and of all burial-grounds and churches and chapels now belonging to and used, held, occupied, possessed or enjoyed by the said Right Reverend John Francis Jamot or his church in communion with the Church of Rome as aforesaid, and of all churches and chapels now being erected or to be hereafter erected in the said Diocese of Peterborough

Peterborough and in communion with the Church of Rome as aforesaid, shall be and are hereby declared to be vested in the said corporation for the general uses and purposes aforesaid; the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, laws, and usages to the contrary notwithstanding.

Devises to the corporation and registration thereof.

4. Any will containing a devise of any such lands, tenements or hereditaments, or of any interest therein, to or in favour of the said corporation, shall be made and executed at least six months before the death of the person making the same, and shall be duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect: Provided always that in case the said corporation is disabled from registering any such will within the said time by reason of the contesting thereof, or by any other inevitable difficulty, without the wilful neglect or default of the said corporation, then the registration of said will within the space of twelve months next after attainment by said corporation of such will or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section.

Proviso.

Deeds to be registered within twelve months from date of execution.

5. All deeds of any real estate made and executed by or in favour of the said corporation (except leases for a term not exceeding twenty-one years) shall be duly registered according to law within twelve calendar months after the making and execution thereof, otherwise the same shall be void and of none effect.

Transfer of lands held in trust.

6. It shall be lawful for any person in whose name any lands, tenements or hereditaments within Ontario are now, or shall or may be hereafter vested in trust or otherwise for the benefit either of the said Bishop of the said Diocese of Peterborough for the time being or of the said corporation, from time to time to convey, assign or transfer by deed all or any of the said lands, tenements or hereditaments, unto the said corporation for the general purposes and uses aforesaid as provided by this Act.

Powers of borrowing.

7. The said corporation shall have power to borrow moneys on mortgage security of the real estate of said corporation for the purpose of purchasing real estate, for any of the purposes of the said corporation, or for the purpose of erecting, finishing or repairing any church, chapel, seminary, or clergyman's residence, erected or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred by such corporation: Provided that the person or persons or corporations from whom such moneys shall be borrowed on any such mortgage security shall not be obliged to see to the application of the said moneys or of any part thereof.

Lender not bound to see to application of purchase money.

8.

Conveyances may be executed by Bishop, on behalf of the corporation when consent of two other functionaries obtained.

8. The Bishop of said Diocese for the time being is hereby enabled to execute all conveyances in the name of the said corporation; but it shall not be lawful for such Bishop to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole, or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by the said corporation under and by virtue of this Act, or the title to which is confirmed to said corporation by this Act, without the consent in writing of his Coadjutor or Senior Vicar-General and one additional clergyman, to be selected or named by said Bishop for the time being; and in case there shall happen to be no Coadjutor or Vicar-General, or in case either of them shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the said Bishop, all such selections or nominations, and such consent to appear upon the face of the deed or other instrument in writing intended to be executed by the parties, and to be testified by the said Bishop and Coadjutor or Senior Vicar-General and one additional clergyman, or by such two clergymen as aforesaid, as the case may be, being made parties to and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

A declaration on face of deed to be evidence of certain facts.

9. A declaration on the face of the deed, mortgage, or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section is to be sufficient evidence of the matters therein referred to.

Discharges of mortgages, how executed.

10. Any statutory discharge of mortgage required to be given by the said corporation shall be deemed to be sufficiently valid if executed by the Bishop of the said Diocese for the time being and his Coadjutor or Senior Vicar-General with one additional clergyman, or by two clergymen in the event of there being neither Coadjutor nor Senior Vicar-General, with the seal of the said corporation affixed thereto, and no recitals shall be necessary therein or therefor.

Coadjutor to act for the Bishop in certain cases.

11. In case the Bishop for the time being of the said Diocese shall, from sickness, infirmity, or any other cause, become incapable or be incapacitated to perform his duties in the said Diocese, then his Coadjutor or the person or persons administering the Diocese for the time being shall, during such sickness, infirmity or incapacity, have the same powers as are by this Act conferred upon the said corporation or the said Bishop.

Lands formerly conveyed to Right Rev. J. F. Jamot vested in corporation.

12. It is hereby further enacted that all lands, tenements and hereditaments within Ontario, heretofore conveyed, demised, devised or otherwise assigned to the said Right Reverend John Francis Jamot as Vicar Apostolic of Northern Canada or otherwise in his official capacity as Vicar Apostolic of Northern

ern Canada, and all lands, tenements and hereditaments, conveyed to and now vested in the Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada, and situate in the Counties of Northumberland, Durham, Peterborough and Victoria, and in the townships of Cardiff, Monmouth, Glamorgan, Snowdon, Lutterworth, Anson and Hindon, in the Provisional County of Haliburton, in the Province of Ontario, and all rights and equities in respect of the same, do stand in the name of, and are hereby transferred to and absolutely vested in the said "The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada;" Provided that this section shall not be construed to affect any existing rights or equities as against said lands in the hands of third parties.

Rights not affected.

13. Nothing herein contained shall affect or be construed to affect in any manner or way the rights of any person or persons or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.

R. S.O. c. 1, s. 8, sub-s. 24, made applicable.

14. For the purpose of avoiding doubt, it is hereby declared that all the powers described in sub-section twenty-four of section eight of the Interpretation Act in reference to corporations aggregate, shall be possessed by the corporation hereby created.

Form of conveyance.

15. For the purposes of the said corporation, deeds or conveyances in the form and with the recitals as set out in Schedule A hereunto annexed, or those in similar form or with similar recitals, may be used for the objects specified therein or intended thereby, or for any similar object.

SCHEDULE A.

This Indenture made in duplicate the day of one thousand eight hundred in pursuance of the Act respecting short forms of conveyances (mortgages, *or* leases, *as the case may be*)

Between The Roman Catholic Episcopal Corporation for the Diocese of Peterborough in Ontario, Canada of the first part; *John Jones*, of etc., of the second part; The Right Reverend John Francis Jamot (*or as the case may be*), Bishop of the said Diocese of the third part; and The Right Reverend *or* Very Reverend Coadjutor Bishop *or* Vicar-General (*as the case may be*) and The Reverend clergyman of said Diocese or (*naming two clergymen if there be neither Coadjutor nor Vicar-General, and adding recital to that effect*) of the fourth part:

Whereas

Whereas the parties hereto of the first part, have contracted with the party hereto of the second part, for the sale (*mortgage, lease, etc.,*) of the lands hereinafter described; and whereas the party hereto of the third part is the present Bishop of said Diocese, and the parties hereto of the fourth part are the proper persons whose consent is necessary to this conveyance, under the terms of the statute incorporating the parties of the first part; and whereas the parties hereto of the fourth part join in this conveyance in order to testify in writing their consent to the sale (mortgage, *etc.,*) as aforesaid, pursuant to said statute:

Now, therefore, this indenture, etc., *as in other conveyances. After covenants.*

The parties hereto of the fourth part hereby consent to this conveyance, and are made parties herein, and execute the same for the purposes hereinbefore set forth.

In witness whereof the parties hereto have hereunto set their hands and seals, the seal of the said corporation being affixed by the party of the third part.

Signed, sealed and delivered in the presence of two credible witnesses. } [L. S. C.]
A. B. [L. S.]
C. D. [L. S.]

CHAPTER 66.

An Act to amend the Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

[*Assented to 1st February*, 1883.]

Preamble.

WHEREAS "The Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada," hath by its petition set forth that doubts have arisen as to the power of the said corporation under the Act passed in the eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, intituled "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," to mortgage the lands held by the said corporation, and whereas the said corporation hath prayed that the said Act may be amended so as to remove said doubts, and have also petitioned for certain other amendments to said Act, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Power to mortgage lands.

1. The said Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada, shall have power to borrow moneys on mortgage security of the real estate of said corporation, for the purpose of purchasing real estate for any of the purposes of the said corporation, or for the purpose of erecting, finishing or repairing any church, chapel, seminary or clergyman's residence erected or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred by such corporation.

Existing mortgages confirmed.

2. All moneys borrowed by and in the name of the said corporation for which mortgages have been given on the real estate of the corporation in conformity with the requirements of the fifth section of the said Act shall form a lien, and are hereby created incumbrances on the lands covered by such mortgages, and the said the Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada, is hereby declared to be bound for the payment of the same, notwithstanding that at the time of the execution of such mortgages the said corporation may have had no power to borrow money on mortgage, and this Act shall not be held to relieve or discharge the said corporation of or from any liability or claim now existing against the same.

Lenders not bound to see to application of money.

3. The person or persons or corporations from whom such moneys shall be borrowed on said mortgage security shall not be obliged to see to the application of the said moneys or of any part thereof.

Conveyances may be executed by Bishop, on behalf of the corporation, when consent of two other functionaries obtained.

4. Notwithstanding anything contained in the said Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two, it shall be lawful for the Bishop of the said Diocese of Kingston, in Canada, for the time being, in the name of the said corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole, or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by the said corporation under and by virtue of the said Act, with the consent in writing of his Coadjutor or Senior Vicar-General and one additional clergyman, to be selected or named by said Bishop for the time being; and in case there shall happen to be no Coadjutor or Vicar-General, or in case either of them shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the said Bishop, all such selections or nominations, and such consent to appear upon the face of the deed or other instrument in writing intended to be executed by the parties, and to be testified by the said Bishop and Coadjutor or Senior Vicar-General and one additional clergyman, or by such two clergymen as aforesaid, as the case may be, being made parties to and signing and sealing all the deeds, conveyances, mortgages, leases,

leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

A declaration on face of deed to be evidence of certain facts.

5. A declaration on the face of the deed, mortgage, or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section is to be sufficient evidence of the matters therein referred to.

Discharges of mortgages, how executed.

6. Any statutory discharge of mortgage required to be given by the said corporation shall be deemed to be sufficiently valid if executed by the Bishop of the said Diocese for the time being, and his Coadjutor or Senior Vicar-General with one additional clergyman, or by two clergymen in the event of there being neither Coadjutor nor Senior Vicar-General, with the seal of the said corporation affixed thereto, and no recitals shall be necessary therein or therefor.

Power to take lands by devise.

7. Notwithstanding anything contained in the said Act passed in the eighth year of the reign of Her Majesty, and chaptered eighty-two, the said corporation shall have power to take or acquire by will or devise any lands, tenements, or hereditaments, or any interest therein, provided said will or devise shall have been made and executed at least six months before the death of the person making the same, and shall have been duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect: Provided always that in case the said corporation is disabled from registering any such will or devise within the said time by reason of the contesting of such will or devise, or by any other inevitable difficulty without the wilful neglect or default of the said corporation, then the registration of said will or devise within the space of twelve months next after attainment by said corporation of such will or devise or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section.

Proviso.

This Act to be read with 8 V. c. 82.

8. This Act, and the said Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two, shall be read together and shall, with the amendments hereby made, form one Act so far as the said the Roman Catholic Episcopal Corporation of he Diocese of Kingston, in Canada, is concerned.

Form of conveyance.

9. For the purposes of the said corporation, deeds or conveyances in the form and with the recitals as set out in Schedule A hereunto annexed, or those in similar form or with similar recitals, may be used for the objects specified therein or intended thereby, or for any similar object.

SCHEDULE A.

This Indenture made in duplicate the day of one thousand eight hundred in pursuance of the Act respecting short forms of conveyances (mortgage *or* lease, *as the case may be*)

Between The Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada of the first part; *John Jones*, of etc., of the second part; The Right Reverend (*as the case may be*) Bishop of the said Diocese of the third part; and The Right Reverend *or* Very Reverend Co-adjutor Bishop *or* Vicar-General (*as the case may be*) and The Reverend clergyman of said Diocese or (*naming two clergymen if there be neither Coadjutor nor Vicar-General, and adding recital to that effect*) of the fourth part:

Whereas the parties hereto of the first part, have contracted with the party hereto of the second part, for the sale (*mortgage, lease, etc.,*) of the lands hereinafter described; and whereas the party hereto of the third part is the present Bishop of said Diocese, and the parties hereto of the fourth part are the proper persons whose consent is necessary to this conveyance, under the terms of the statute incorporating the parties of the first part; and whereas the parties hereto of the fourth part join in this conveyance in order to testify in writing their consent to the sale (mortgage, *etc.*,) as aforesaid pursuant to said statute:

Now, therefore, this indenture, etc., *as in other conveyances. After covenants.*

The parties hereto of the fourth part hereby consent to this conveyance, and are made parties herein, and execute the same for the purposes hereinbefore set forth.

In witness whereof the parties hereto have hereunto set their hands and seals, the seal of the said corporation being affixed by the party of the third part.

Signed, sealed and delivered in the presence of two credible witnesses. [L.S.C.]
A. B. [L.S.]
C. D. [L.S.]

CHAPTER

CHAPTER 67.

An Act respecting Victoria College at Cobourg.

[*Assented to* 1*st February,* 1883.]

WHEREAS the Board of Victoria College, at Cobourg, have by their petition prayed for certain amendments to the Act chaptered seventy-nine, passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign, and to a further Act, chaptered eighty-nine, passed by the Legislature of Ontario in the forty-second year of Her Majesty's reign; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

38 V. c. 79, s. 4, amended.

1. The Act passed in the thirty-eighth year of Her Majesty's reign, chaptered seventy-nine, is hereby amended by inserting after the word "Laymen" in the fifth line of the fourth section, the words "Appointed by the General Conference of the Methodist Church of Canada, as hereinafter provided; and of six representatives of the graduates of said Victoria College, that is to say, three representatives of the graduates in the Faculty of Arts, and one representative in each of the Faculties of Law, Medicine, and Theology, to be elected as hereinafter provided; and further of the President of said Victoria College, who shall be a member of the Board ex-officio."

Sec. 13 amended.

2. Section thirteen of the said Act, as the said Act is amended, shall hereafter read and be as follows:

13. The said General Conference shall every four years, in conference assembled, at such time as to them may seem fit, appoint the twenty-four members of the College Board, which by the provisions of section four of this Act require to be appointed by said General Conference.

Sec. 16 amended.

3. Section sixteen of the said Act is hereby further amended by inserting after the word "College" in the second line the words "The President of the Toronto School of Medicine, the president of 'L'École de Médecine et de Chirurgie de Montreal,' and the Principal, and the professors of Theology, Exegetics, and Church History in the Wesleyan Theological College, Montreal, so long as these institutions are in affiliation with Victoria College."

Sec. 19 added to 38 V. c. 79 by 42 V. c. 89, amended.

4. Section nineteen added to the said Act by the third section of the Act passed in the forty-second year of Her Majesty's reign, chaptered eighty-nine, is hereby amended by inserting after

after the word "Senate" in the second line, the words "and Board," and also after the word "Senate" in the fourth line, the words, "and Board respectively ;" and further by inserting, at the end of said section, the words "Provided also that no member of any Faculty of the University shall be eligible for election on the Board under the provisions of this section."

CHAPTER 68.

An Act to change the name of the "Canadian Literary Institute" to "Woodstock College."

[*Assented to* 1*st February*, 1883.]

Preamble.

WHEREAS the trustees of the "Canadian Literary Institute" have by their petition prayed that the Act passed in the twentieth year of Her Majesty's reign, as amended by an Act passed in the twenty-eighth year of the said reign, and further amended by an Act passed in the fortieth year of the same reign, may be further amended by changing the name of the said the "Canadian Literary Institute" to "Woodstock College;" and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed to "Woodstock College." 20 V. c. 217; 27-28 V. c. 143, and 40 V. c. 63 amended.

1. The name of the said corporation, the "Canadian Literary Institute," is hereby changed to "Woodstock College," and from and after the passing of this Act the said corporation shall be called and known as "Woodstock College;" and the above mentioned Act passed in the twentieth year of Her Majesty's reign, and the amending Acts passed in the twenty-eighth and fortieth years of the same reign, shall be amended by substituting the name of "Woodstock College" for the words "Canadian Literary Institute" wherever the latter words may appear in the various sections of the said Act and amending Acts.

Corporation continued.

2. The said corporation under its new name shall not be deemed to be a new corporation, but shall continue to exercise all the rights, powers, franchises and privileges that, prior to the passing of this Act, have been held, exercised, and enjoyed by the said "Canadian Literary Institute," in as full and ample a manner as if the said corporation had continued to exist under its original name; and all real and personal property, shares, stocks, obligations, rights, debts, claims, franchises and privileges of the said "Canadian Literary Institute" shall,

shall, after the passing of this Act, be held and vested in the said corporation under its new name; but all legal or other proceedings, prior to the passing of this Act, taken by or against the "Canadian Literary Institute," may be continued under the name or style of cause in which they have been instituted.

CHAPTER 69.

An Act to empower the trustees under the will of the late John Corry Wilson Daly to sell certain lands, and to sell or make division of certain goods.

[*Assented to* 1*st February*, 1883.]

Preamble. WHEREAS it has been represented to the Legislature of Ontario that John Corry Wilson Daly, late of the town of Stratford, in the county of Perth, Esquire, died on or about the first day of April, in the year of our Lord one thousand eight hundred and seventy-eight, having first made his last will and testament, bearing date the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and seventy-five, whereby he gave and devised "to his trustees and the survivor of them and the heirs of the survivor of them his residence or homestead, in the said town of Stratford, known as the 'Brae,' with the field and brick stable in rear, and all the land south of the 'Brae,' from the point where the fence crosses the creek in a straight course south to range with the south fence of the field with the brick stable on; thence easterly to the line dividing the foundry land from the 'Brae,'" and gave and bequeathed by his said will to his said trustees, who are Samuel Rollin Hesson, John Idington and Thomas Mayne Daly, the younger, in like manner all the household furniture and personal effects which might be in or upon the said premises or homestead on the following trusts, that is to say: "(1) To allow either my son Thomas Mayne Daly the elder, or one of his sons, as my said trustees, or a majority of them may from time to time during the lifetime of my said son appoint, (it being distinctly declared hereby that my trustees shall have power to revoke any such appointment from time to time and re-appoint as often as they deem desirable, either my said son or any of his sons) to reside in and use the said house and lands, as a personal home only, and not otherwise, as and so long as the same is kept by him thus appointed in a fit and proper state of repair, and enjoy the use also therewith of the said household furniture and personal effects. And I hope that my said trustees may see their way to allowing my said son to use the said house and lands and other property during the term of his natural life; but this expression of my desire

is

is not to be construed in any way as a trust or imperative direction on my part, and in like manner, without imposing any trust, I would, in the event of my said son's declining to live therein, prefer that the then eldest surviving of my said son's sons should enjoy the use of the same, and in the event of his declining, that the then next eldest of his sons be offered the use of the same during his father's lifetime. (2) On the death of my said son, to convey the same to my grandson, John Corry Wilson Daly the younger, in fee simple, provided my said trustees or a majority of them consider him in solvent circumstances and so declare in their conveyance thereof to him, and in default of his then being considered by them to be in such solvent circumstances, and on their so declaring it, to convey the same to my grandsons, Thomas Mayne Daly the younger and Peter Ferguson Daly, or the then survivor of them in fee simple."

And whereas the said trustees have from time to time offered to appoint the use of the said lands and personal property to said Thomas Mayne Daly, and in default of his accepting same to said John Corry Wilson Daly, or Thomas Mayne Daly the younger, or Peter Ferguson Daly, pursuant to and in accordance with the provisions of the said will, but each and all have uniformly declined to accept the same and declared that they could not advantageously accept same;

And whereas the said house and buildings were and are very much out of repair, and the same and the grounds therewith are rapidly going to waste for want of proper repairs and attention, and said trustees have not by the said will any funds placed at their disposal to effect such repairs or any power to raise same or in any way appropriate anything for that purpose;

And whereas the said trustees have no power to rent said premises, yet during the past year have, pending this application, made a temporary lease thereof and find that unless a large sum be spent on repairs it will be impossible to rent said lands for such a sum as will pay the annual taxes and insurance thereof;

And whereas the said trustees have since the death of the said testator paid the taxes on said buildings and the insurance thereon, and upon said furniture, and have determined to cease incurring further expense or making further such expenditures, for which they have no protection, and which, even if they had, would be a most imprudent investment;

And whereas the said testator, being possessed of large means in the shape of real estate, had by said will devised greater part thereof to said trustees for various trusts as therein appears, for the benefit of his widow and descendants, and as to such other lands so devised to the said trustees, gave full and ample power to sell said lands and hold the proceeds of same invested, subject to the like trusts as the lands so devised were, in the like way and manner it is sought to appropriate

propriate the proceeds of the sale of the lands in question herein, but did not by said will give such power as to said lands in question herein ;

And whereas the said testator—it is evident from the surrounding circumstances—had never contemplated the probabilities of his descendants being unable and indisposed to accept the benefits he hoped to confer on them or some of them by said devise now in question, or he would have caused to be inserted the like powers of sale and reinvestment as are now asked for ;

And whereas the descendants of said testator, other than said Thomas Mayne Daly the elder, are all now removed from the said town of Stratford, where they resided when testator made his will, the said John Corry Wilson Daly now living in Detroit, in the United States of America, and the said Thomas Mayne Daly the younger and Peter Ferguson Daly now living in Manitoba, these being the only sons of said Thomas Mayne Daly, and neither they nor their descendants are at all likely to return to Stratford or to have any use for said homestead ;

And whereas the said testator's said son and said grandsons desire this Act to pass, and also desire to have and use the said household furniture and effects which were in said house at the time of the testator's death, the same being of no great value, yet prized by said son and grandsons by reason of their having been in use by said testator, and the said trustees desire to be relieved of any further burthen connected therewith under such circumstances ; and whereas all real and personal estate of the testator not specifically devised or bequeathed by the testator is given by the residuary clauses of said will to the said trustees for the said grandsons and their issue on death of said son according to the trusts set forth in said will and powers of appointment therein contained ;

And whereas the whole scope and purpose of said will would be best subserved by giving said trustees the powers asked for and set forth in this Act ;

And whereas the said trustees under the said will have accordingly by their petition prayed for the passing of an Act to empower them, the said trustees, to sell and convey, divide, make partition of or otherwise dispose of the said lands and of the household furniture and personal effects which at the death of the said deceased were in or upon the said premises ; and whereas it is desirable to grant the prayer of said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Trustees empowered to sell and convey lands.

1. The said trustees, or the trustees for the time being, of said last will and testament in the preamble to this Act mentioned, shall be and are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof all and every part of the said lands and premises in said preamble firstly mentioned

tioned and described or any part thereof, at such times, in such parcels or as a whole, and on such terms and for such price as they may deem fit and prudent.

Trusts of proceeds of sale declared.

2. The said trustees shall thereupon stand possessed of the moneys or securities received from such sale or sales as trustees, to invest the same and keep invested upon the like trusts imposed by and with the like powers of appointment conferred by the said will, and the like powers of revocation and re-appointment also thereby conferred as to the corpus and income thereof respectively, so that the appointments, revocations and re-appointments be made in respect of income from such investments from time to time, in lieu and stead of the use and enjoyment of the said lands and premises, and the corpus of the said fund be appointed as the said lands would or should have been under the said trusts: provided always that the costs and expenses of obtaining this Act, the taxes paid by said trustees on said lands, the insurance premiums paid by said trustees in respect of the buildings on said lands, or on account of said goods, and the costs of administering this amended trust be first paid out of the said trust fund, either out of principal or interest, as and when said trustees may direct; and provided further, that until any such appointment of income, and between the time of the revocation thereof and re-appointment, and so from time to time, the said income so accumulated shall be added to the said corpus or be included and appointed by the next appointment of income as part thereof, as the said trustees for the time being shall declare in making any appointment.

Proviso.

Proviso.

Division of household goods authorized.

3. The said trustees or the trustees for the time being of said last will and testament shall be and are hereby authorized and empowered to divide, distribute and apportion amongst and between the said Thomas Mayne Daly, John Corry Wilson Daly, Thomas Mayne Daly the younger, and Peter Ferguson Daly, with their consent but not otherwise, all the said household furniture and personal effects which at the death of the said deceased were in or upon the said premises or homestead in said preamble firstly mentioned and described, in such shares or proportions or other manner of division as to the said trustees or a majority of them shall seem meet.

Sale of household goods authorized.

4. In default of the said trustees acting upon the powers conferred by section three hereof, they are hereby authorized and empowered to sell and dispose of the said household furniture and personal effects in such manner as they deem fit, and upon doing so the balance of the proceeds of such sale, left after paying expenses, shall be added to the proceeds of the sale of the said real estate, and be held by the said trustees therewith upon the like trusts and with the like powers as to both corpus and income thereof, that the said proceeds of the said sales of said lands are held and to be held so that the same be treated as one fund.

5. It shall not be imperative upon the said trustees to sell either said goods or lands, notwithstanding anything herein contained. Discretion of trustees.

6. The said trustees or the trustees of said last will and testament for the time being are absolutely further empowered to lease said lands and premises or any part thereof until sold hereunder, for such term or terms and upon such terms as to payment of rent or for improvements of the premises as the said trustees may deem proper: provided always that any rent so received not required for or used in improvements or for payment of insurance or taxes or expenses of the management, or repairs, or to pay the costs and expenses of this Act, shall be held by the said trustees in the like manner and for the like trusts, and subject to the like powers as are above applied to the income to be derived from the proceeds of the sale of said lands. Lease of lands authorized. Proviso.

CHAPTER 70.

An Act to enable the Trustees and Executrix under the will of Robert Wilkes to lease and sell certain real estate.

[*Assented to 1st February*, 1883.]

WHEREAS Martha Wilkes, of the village of Yorkville, widow, and Marcella Wilkes, of the city of Toronto, an unmarried woman, have by their petition represented that the late Robert Wilkes, in his lifetime of the city of Toronto, merchant, died on the sixteenth day of August, one thousand eight hundred and eighty, having first made his last will and testament duly executed and sufficient for all the purposes thereof, bearing date the thirty-first day of January, one thousand eight hundred and eighty, which is in the words and figures following, that is to say:— Preamble.

"The last will and testament of Robert Wilkes, of the city of Toronto, merchant:

"*First.*—I, the said Robert Wilkes, devise all my real and the residue of my personal estate, after payment of debts and legacies, to my wife for life in trust for her own use and for the benefit of all my children, but I give her absolute power as to the application of the income and proceeds of the said property, real and personal, for the benefit of my said children during her life.

"*Second.*—I empower my said wife by her will to devise the said property to such trustee as she may name, in trust for my said children, in such shares and proportions as to her may seem meet, and in the event of her death without such a disposition by her will, I devise and bequeath the said property to my said children equally. "*Third.*—

"*Third.*—I direct that if any of my said children shall die before the death of my wife, leaving issue surviving, that the child or children of such child shall take his, her or their mother's share, but in the event of there being no such issue surviving then such share or shares shall lapse and form part of my general estate.

"*Fourth.*—I direct that the buildings on my real property in the city of Toronto be kept well insured in sound companies.

"*Fifth.*—In the event of the destruction of the said buildings, I empower my wife or any succeeding trustee to erect new buildings upon the said lands, or to repair the old buildings if not wholly destroyed.

"*Sixth.*—I empower my wife or any succeeding trustee appointed by her to sell my homestead and the adjoining property on the north side of Bloor Street, in Yorkville, if to her or him it shall seem best so to do, and to invest the proceeds of the sale in the same way as if it were personal estate.

"*Seventh.*—I direct that out of the proceeds of life and accident policies any mortgage debts which I may owe be discharged, and that out of my general personal estate all my debts of every kind be paid.

"*Eighth.*—I empower and recommend my executors to sell my business and the goods therein, as well as the good-will thereof, for the best price that can be got for the same, and either for cash or on credit, and partly by both ways if thought by them to be best, and to collect as speedily as possible such book debts as may be owing to me.

"*Ninth.*—Out of pure personal estate I bequeath unto the University of Victoria College one thousand dollars, and unto the Wesleyan Theological College at Montreal, one thousand dollars, should these amounts already promised not be paid by me to said institutions previously, and if this latter institution be not incorporated then I empower the President of the said body for the time being to receive the said legacy.

"*Tenth.*—I bequeath unto my mother one thousand dollars a year during her life, and the free use of any house she may occupy, if it be mine.

"*Eleventh.*—I bequeath unto my sister Mary Jane such sum as will, together with what shall be at her credit in my books at Montreal, make six thousand dollars.

"*Twelfth.*—I bequeath unto my sister Marcella such sum as will, together with what shall appear in my books at Toronto to her credit, make twelve thousand dollars.

"*Thirteenth.*—I bequeath to my sister Eliza, while she remains unmarried, the sum of one hundred dollars a year during the lifetime of my mother, but after my mother's death an annuity of three hundred dollars so long as she remains unmarried, and if she marry with the consent of my executors she shall be paid one thousand dollars in full of all claims under my will.

"*Fourteenth.*—I commend to the favourable consideration of my executors the care of my sister Margaret Stuart and her family

family should they need it, and in such case I recommend the annual payment to her of a sum sufficient to pay the rent of a suitable house for her in the event of her remaining unmarried.

"*Fifteenth.*—I charge the payment of the legacies in the clauses of this Will from ten to fourteen, both inclusive, upon my personal estate.

"*Sixteenth.*—I direct my executors to invest all the personal estate, and the proceeds of the real estate which my wife may not require for the use of herself and family, and the proceeds of all investments, in first mortgages of real estate (covering the fee simple in possession) situate anywhere in Canada, at moderate rates of interest, taking care that not more than half the cash value be advanced in any case.

"*Seventeenth.*—I empower my wife on the marriage of my daughters or any of them, to apportion to them an annuity of such sum as she may deem proper, out of the current income, to be held to her separate use as if she were a *feme sole.*

"*Eighteenth.*—I empower my wife, if she think fit, to hand over to my son twenty-five thousand dollars when he attains the age of twenty-five years, and on the final division of my estate my son is to be charged with this sum, as a portion of my estate advanced to him, without interest.

"*Nineteenth.*—I empower my wife, or in the event of her death the trustee to be named by my wife, to sell my real estate in the city of Toronto or elsewhere, when the youngest of my children comes of age, if in his or her judgment it be thought best so to do, and to dispose of the proceeds amongst my children as directed in this or my wife's will.

"*Twentieth.*—I recommend my wife and children to devote at least one-tenth of their incomes to charitable and religious objects.

"*Twenty-first.*—I appoint my wife and my sister Marcella executors hereof.

"*Twenty-second.*—Should unfortunately any contention or dispute arise at any time between my heirs as to the disposition of my estate, I strongly recommend that such dispute be referred to peaceable arbitration under the advice of the solicitor of the estate, and not by any means to resort to legal proceedings by which so many estates have been squandered.

"In witness whereof I have hereunto set my hand this thirty-first day of January, in the year of our Lord one thousand eight hundred and eighty.

[Signed] "ROBERT WILKES."

"Signed, published and declared by the said testator as and for his last will and testament, in the presence of us present at the same time, who in his presence have hereunto subscribed our names as witnesses.

[Signed] "JAMES BETHUNE,
[Signed] "JOHN R. CLARKE."

And

And that the petitioners have duly accepted the trusts under the said Will, and have taken probate thereof in the proper Court in that behalf; that the said Robert Wilkes left him surviving his wife the petitioner Martha Wilkes and seven children, Lily Jane Wilkes, Maud Martha Wilkes, Marcella Wilkes, Ida Wilkes, Edith Wilkes, Ethel Matilda Wilkes and Pearl Roberta Wilkes, all infants under the age of twenty one years; that at the time of the death of the said Robert Wilkes he was seized in fee simple of the following amongst other lands and premises, that is to say:—

"All and singular that certain piece or parcel of land and premises situate lying and being in the city of Toronto, being part of lot number three on the south side of King street, and known as lot number nine according to a survey and plan of the property belonging to the late Honourable James Baby, and butted and bounded as follows, that is to say:—Commencing where a stake has been planted at the intersection of the north side of Colborne street produced and the western limit of the said lot, thence north sixteen degrees west along the east side of a passage to the lot known as Burnside's lot, thirty feet to a stake planted, thence north seventy-four degrees east twenty feet more or less to a private road ten feet six inches wide, thence south sixteen degrees east along the west side of the said road thirty feet more or less to Colborne street, thence south seventy-four degrees west along the north side of Colborne street twenty feet to the place of beginning, containing by admeasurement six hundred feet more or less, as the same are more fully described in a certain indenture of bargain and sale from the city of Toronto to Marcus Rossin and Samuel Rossin, bearing date the fifteenth day of December, one thousand eight hundred and fifty one."

And also, "All and singular that certain other parcel of land and premises situate lying and being in the said city of Toronto, being composed of the north-west part of lot number three on the south side of King street (formerly called number three on the east side of Toronto street) and butted and bounded as follows, that is to say:—Commencing in front on the south side of King street at the centre of the said lot, then south seventy-four degrees west fifty-three feet on King street, then south sixteen degrees east two chains forty-one links, then north seventy-four degrees east fifty-three feet to the centre of said lot, then north sixteen degrees west two chains forty-one links to the place of beginning."

And also, "All and singular those certain parcels or tracts of land and premises situate lying and being in the said city of Toronto, being composed of part of lot number eight in Baby place north of Colborne street in the said city of Toronto, and part of the north-west part of lot number three on the south side of King street, (formerly called lot number three on the east side of Toronto street) in the said city of Toronto, and commencing on the north side of Colborne street at the south-east corner of the portion of the said lot eight, owned by one Robert Walker,

Walker, thence in a northerly direction along the eastern boundary of the aforesaid lot eight thirty feet more or less to the northern boundary of said lot eight, thence in a westerly direction along the northern boundary of the said lot eight twenty-one feet five inches, more or less, to the eastern boundary of the portion of the said lot number three, owned by the said Robert Walker thence in a northerly direction along the eastern boundary of said lot three twenty feet three inches, more or less, to the northern boundary of a four-storey brick warehouse, the property of the said Robert Walker, thence in a westerly direction and along the northern boundary of said warehouse nine inches being the centre of the wall of the said warehouse, thence in a southerly direction and through the centre of the said wall twenty-one feet, more or less, to the centre of the wall running easterly upon the aforesaid lot number eight, thence along the centre of the said last mentioned wall twenty-one feet five inches, more or less, to the centre of the easterly wall upon the said lot number eight, thence in a southerly direction through the centre of the said last mentioned wall twenty-nine feet three inches, more or less, to the north side of Colborne street, thence in an easterly direction along the north side of Colborne street nine inches to the place of beginning, together with the stone foundation and brick work now upon the land described, the said land being one half of the land upon which the walls hereinbefore mentioned stand, together with all the estate, right, title, interest, claim, property and demand which the said Robert Walker, prior to the thirteenth of April one thousand eight hundred and eighty, had in to or upon a certain lane lying between lots number eight and nine on Baby place aforesaid, all the aforesaid property being hereinafter referred to as the King street property; that upon the said King street property are erected certain frame buildings, known as numbers thirty-nine, forty-one, and forty-three King street east; that at the time of the said testator's death the said buildings were leased by him to various tenants, and the said buildings are at present occupied by Messrs. Notman & Fraser, photographers, J. Spooner, tobacconist, and Messrs. C & J. Allen, jewellers, as tenants; that the leases of the tenants mentioned expire upon the first of May, one thousand eight hundred and eighty-three; that the said buildings have fallen into decay, that there is great danger of their falling down and that they cannot be repaired so as to be rented for any length of time with profit to the said estate; that the lands on which the said buildings stand are very valuable, and if your petitioners are empowered to grant building leases of the same a large and permanent revenue can be derived by the said estate therefrom, and that if the said buildings are allowed to decay further the said King street property will become a great burthen to the estate: that the said Robert Wilkes at the time of his death was also the owner of the following leasehold premises: "All

"All and singular that certain piece or parcel of land and premises situate, lying and being in the said city of Toronto, being composed of part of the broken lot number one, between Front street and Wellington street, (formerly Market street), and which is butted and bounded as follows, that is to say: Commencing at a stone standing at the north-east corner of Yonge street where Yonge street and Front street intersect each other, thence north sixteen degrees west along the east side of Yonge street forty-two feet, thence north sixty-three degrees east seventy-nine feet, thence south forty-one degrees east thirty-six feet, thence on a course nearly south forty-nine degrees west ninety feet along the north side of Front street to the place of beginning, together with all houses, outhouses and other appurtenances thereon, or thereunto belonging, or therewith taken, had, held, used or enjoyed."

And was also seized in fee simple of the following lands and premises:

"All and singular that certain parcel or tract of land and premises situate, lying and being in said city of Toronto, being composed of part of broken lot number one, between Front street and Wellington street, (formerly Market street), and which is butted and bounded as follows, that is to say: Commencing on the northerly side of Front street and at the south-westerly angle of the said lot, now described, then north-easterly twenty feet six inches, then north-westerly one hundred and twenty-two feet nine inches, then south fifty-eight degrees west fourteen feet more or less to a point sixty feet on a course of north sixty-seven degrees east from the easterly side of Yonge street, then south sixteen degrees east forty-eight feet more or less to the north-easterly corner of the lot of land described in a certain deed bearing date the twenty-ninth day of June in the year of our Lord one thousand eight hundred and seventy-two, made between William Dudley of the first part, Hannah Henrietta Dudley, his wife, of the second part, and Robert Wilkes of the third part, and referred to therein as Alexander Rennie's lot, and finally southerly eighty-five feet more or less to the place of beginning, as the same lot is more particularly described in a certain indenture from one James John Hayes to one Samuel Rossin, bearing date the first day of March, one thousand eight hundred and fifty-three, and a certain other indenture from the said Samuel Rossin to one Marcus Rossin, and also described in a certain indenture of lease bearing date the fourth day of September, one thousand eight hundred and sixty-two, made between Alexander Rennie of the one part, and the said Marcus Rossin and Samuel Rossin of the other part": That upon the said last-mentioned leasehold and freehold premises is erected the building known as the American Hotel, which building was owned by the testator at the time of his death; that the said premises are hereinafter referred to as the American Hotel property; that the said last-mentioned lease is in the words and figures following:

"This

"This indenture, made the fourth day of September, in the year of our Lord one thousand eight hundred and sixty-two, between Alexander Rennie, of the city of Hamilton, in the county of Wentworth and Province of Canada, Esquire, of the first part, and Marcus Rossin and Samuel Rossin, of the city of Toronto, in the county of York, and Province aforesaid, Esquire, parties of the second part, witnesseth that the said Alexander Rennie, for and in consideration of the rent, covenants, proviso and agreements hereinafter reserved and contained, and which on the part and behalf of the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators and assigns, are to be paid, done, observed, performed and kept, hath granted, demised, leased, set and let, and by these presents doth grant, demise, lease, set and let unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators and assigns, all and singular that certain piece or parcel of land being part of broken lot number one, between Front street and Market street, in the city of Toronto, and more particularly described as follows, that is to say: Commencing at a stone standing at the south-east corner of Yonge street where Yonge street and Front street intersect each other, thence north sixteen degrees west along the east side of Yonge street forty-two feet, thence north sixty-three degrees east seventy-nine feet, thence south forty-one degrees east thirty-six feet, thence on a course nearly south forty-nine degrees west ninety feet along the North side of Front street to the place of beginning, together with all houses, out-houses and other appurtenances thereon or thereunto belonging, or therewith taken, had, held, used or enjoyed, to have and to hold the same unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators and assigns, from the day of the date hereof, for, during and until the full end and term of twenty-one years from hence next ensuing, and fully to be completed and ended, yielding and paying therefor yearly and every year during the term hereby granted the yearly rent or sum of three hundred and seventy-five dollars of lawful money of Canada, by two even and equal half-yearly payments of one hundred and eighty-seven dollars and fifty cents each, on the fourth day of March and the fourth day of September in each and every year of the term by these presents granted, the first payment thereof to begin and be made on the fourth day of March now next ensuing, clear of, over and above all rates, taxes or other impositions that may be rated, taxed or imposed upon the said premises hereby granted by authority of law or otherwise howsoever: And the said Marcus Rossin and Samuel Rossin for themselves and their heirs, executors, administrators and assigns, do hereby covenant, promise and agree to and with the said Alexander Rennie, his heirs, executors, administrators and assigns in manner following, that is to say: That they, the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall and will well and truly

pay

pay or cause to be paid unto the said Alexander Rennie, his heirs, executors, administrators and assigns, the yearly rent hereby reserved in manner, and at the times hereinbefore limited and appointed for payment of the same, without any deduction, defalcation or abatement from or out of the same: And also that they, the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall and will well and truly pay or cause to be paid, all rates, taxes, assessments or other impositions that may be rated, taxed, assessed or imposed upon the said premises by authority of Parliament or otherwise howsoever: And also that they, the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall and will at least ten days before the expiration of this present demise or the term hereby granted, nominate and appoint a fit and disinterested person to act as arbitrator for them, the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, to decide and settle upon the rent, together with the other persons to be chosen as hereinafter mentioned, to be paid for the premises hereby demised for a new term of twenty-one years, to be granted thereof by the said Alexander Rennie, his heirs, executors, administrators and assigns unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, at the expiration of the term hereby granted therein: Provided always, and these presents are upon this express condition, that if the said yearly rent hereby reserved and made payable as aforesaid, shall be behind or unpaid by the space of thirty days next over or after any of the days or times whereon the same is made payable, as aforesaid, or if the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns shall be guilty of a breach of any of the covenants herein contained, on their and their part and behalf to be done, observed, and performed, that then and in such case it shall and may be lawful to and for the said Alexander Rennie, his heirs, executors, administrators or assigns, into and upon the said land and premises, to re-enter, and the same to have over again, repossess and enjoy, as if this lease had never been made.

"And the said Alexander Rennie, for himself and his heirs, executors and administrators, doth hereby covenant, promise, and agree to and with the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators and assigns, in manner following, that is to say: That at the expiration of the term by these presents granted, he, the said Alexander Rennie, his heirs, executors, administrators or assigns, shall and will grant, execute and deliver unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, a new lease of the land hereby demised for another and further term of twenty-one years, to commence and be completed from the expiration of the term by these presents granted, at such yearly rent as may be fixed and determined upon

upon by the decision and arbitrament of the majority of three fit and disinterested persons, to be chosen in manner as hereinafter mentioned: And at the expiration of the said last-mentioned term of twenty-one years to be granted at the expiration of the term by these presents granted by such new lease so as to be executed and delivered as aforesaid and forever thereafter at the expiration of every other term of twenty-one years that may or shall be granted to the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns by the said Alexander Rennie, his executors, administrators or assigns, in pursuance of the true intent and meaning of these presents and of this covenant, he, the said Alexander Rennie, his heirs, executors, administrators or assigns, shall and will continue from time to time to execute, grant and deliver unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, a new lease for another and further term of twenty-one years of the land hereby demised at such yearly rent as shall be fixed and directed to be paid for the same at the time of granting such renewed lease by the direction and arbitrament of the majority of three disinterested persons to be chosen in manner as hereinafter described, so that the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall continue to have and hold the hereby demised premises for terms of twenty-one years in perpetual succession at such rent as may be made payable therefor by arbitration in manner hereinbefore mentioned, subject to have the right of them, the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, to demand such renewed lease at the expiration of any term that may hereafter be granted, extinguished by the said Alexander Rennie, his heirs, executors, administrators or assigns paying or tendering and offering to pay for the buildings and improvements that may be upon the hereby demised premises according to a valuation thereof to be made by the majority of three fit and disinterested persons, to be chosen in manner hereinafter described.

"And in the new lease to be granted at the expiration of this present demise, and in every other new lease that may thereafter be executed, granted and delivered by the said Alexander Rennie, his heirs, executors, administrators or assigns, to the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, for the hereby demised land and premises, shall be contained all the covenants that are herein contained, and in particular the covenant for perpetual renewal, with a proviso that if the said Alexander Rennie, his heirs, executors, administrators or assigns, at the expiration of such renewed term, or at the expiration of any other renewed term, shall pay or tender or offer to pay in cash unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, the value of all the buildings and improvements upon the hereby demised land

and premises according to a valuation thereof to be made by the majority of three disinterested persons to be chosen in manner hereinafter described, that then the right of the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, to demand a new lease for a further term shall cease, determine, and become extinguished.

"And the said Alexander Rennie, for himself and his heirs, executors, administrators and assigns, doth further covenant, promise and agree to and with the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators and assigns, by these presents in manner following, that is to say: That the persons to decide and arbitrate upon the rent to be paid for the hereby demised premises for any new term that may hereafter be granted in the said land and premises hereby demised, shall and may be chosen as follows, that is to say: the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall be at liberty to choose and appoint one of such persons in manner as they have hereinbefore covenanted to do.

"And that he the said Alexander Rennie, his heirs, executors, administrators or assigns, shall and will at the same time choose and appoint another of such persons, and that such two persons as may be chosen and appointed as aforesaid, shall have power to appoint the third person to be chosen as aforesaid, and that such three persons or the majority of them shall have power to decide and direct what yearly rent the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall pay for the hereby demised premises during such renewed term, and in like manner such persons so to be chosen as aforesaid shall have power to decide and determine the value of the buildings and improvements upon the hereby demised premises at the expiration of every or any renewed term, if the said Alexander Rennie, his heirs, executors, administrators or assigns, shall desire to pay for the same and decline to renew for any further or other term of twenty-one years.

"And also that he the said Alexander Rennie, his heirs, executors, administrators or assigns, shall and will give unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, three months' notice in writing of his or their intention and desire to pay for the buildings and improvements that may be upon the hereby demised premises according to their value.

"And also that he the said Alexander Rennie, now at the time of the sealing and delivery of these presents hath in himself good right, full power, and lawful authority to demise the land and premises hereby demised in manner hereinbefore expressed, and that the said hereby demised land and premises is free and clear from all and all manner of incumbrances had, made, or done by him.

"And also that the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators and assigns, paying the rent

rent hereby reserved, and performing and keeping the covenants and agreements on their and their part and behalf to be performed and kept and herein contained, shall and may peaceably and quietly have hold and enjoy the land and premises hereby demised, for and during the term hereby granted, and receive and take to their and their own use the rents, issues and profits thereof to their and their own use and benefit, without any molestation, interruption or denial from or by any person or persons having or claiming any title, right or interest in the said hereby demised premises.

"And the said Marcus Rossin and Samuel Rossin, for themselves and their heirs, executors, administrators and assigns, doth hereby further convenant and agree to and with the said Alexander Rennie, his heirs, executors, administrators and assigns, in manner following, that is to say: That in every new lease of the hereby demised premises that may hereafter be granted unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, there shall be contained and inserted a covenant by which they the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns, shall be bound peaceably and quietly to yield and surrender up the possession of the hereby demised land and premises, and all buildings and improvements thereon, in as good condition as the same were in when valued, if the said Alexander Rennie, his heirs, executors, administrators or assigns, shall pay or tender or offer to pay the value of the same buildings and improvements unto the said Marcus Rossin and Samuel Rossin, their heirs, executors, administrators or assigns at the expiration of any renewed term, having previously given notice of his or their intention so to do.

"In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of JAMES CROWTHER. (Signed) ALEX. RENNIE, [Seal] (Signed) M. ROSSIN, [Seal] (Signed) SAMUEL ROSSIN. [Seal]"

That the said building known as the American Hotel is now old and out of repair, and that large sums of money are continually expended upon the said building by the petitioners in order to keep it in an ordinary state of repair; that the lessors of the said leasehold premises are willing to join in a sale of the said last-mentioned lands and premises and building thereon, and that in the interests of the beneficiaries under the said will such a sale should be carried out; that there is no power under the said will to lease or sell any of the said lands or to invest the funds of the estate in erecting new building on the said King street property; and that in order to effect a lease of the said King street property and to carry out the said proposed sale of the American Hotel property it is necessary for the reasons above set forth to obtain legislative sanction; and whereas, the said Martha Wilkes

Wilkes and Marcella Wilkes have by their said petition prayed for the enactments hereinafter contained; and it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to lease.

1. The said Martha Wilkes as such executrix and trustee as aforesaid, is hereby enabled to grant building leases and leases of the said King street property, for any term or terms of years, reserving such rents as to her may seem fit, and also such rights of re-entry or other rights as to her may seem fit, and to enter into any stipulation which to her may seem proper as to rights of renewal or purchase of the buildings by the persons entitled under the said will to the said property, and for settlement of the valuation of the buildings to be erected on the said lands by arbitration and all other stipulations usually contained in building leases; the said leases and all stipulations therein contained shall be binding upon all persons now or hereafter claiming any interest in the said property under the will of the said Robert Wilkes, as if each and all of them had been capable of contracting and had contracted as in the said lease or leases set forth.

Application of rents and profits of King street property.

2. The rents and profits of the said King street property shall be applied in pursuance of the trusts and directions contained in the said will in so far as it relates to the said King street property.

Power to sell American Hotel property.

3. The said Martha Wilkes is hereby enabled to sell the said property known as the American Hotel property, and if she thinks fit so to do to join in any sale along with the owners of the reversion in the part of the said property which is leasehold, for such price, and either upon cash or credit as to her may seem fit, and to execute such conveyances in fee simple or deeds of assignment of terms for years as may be necessary to pass to a purchaser all the right, title, interest and estate in the said property which belonged to the said Robert Wilkes at the time of his death, or which vested in any person or persons under his will.

All parties interested under will to be bound by sale.

4. The said sale of the American Hotel property shall absolutely bind all persons claiming any interest under the will of the said Robert Wilkes.

Investment and application of purchase money.

5. The purchase money of the said American Hotel property shall be received by the said Martha Wilkes, and shall be invested and applied for the benefit of the persons who were under the said will entitled to the said American Hotel property, according to their several interests.

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CHAPTER 71.

An Act authorizing "The Supreme Court of Judicature for Ontario" to admit Thomas Clive Atkinson to practise as a Solicitor.

[*Assented to 1st February*, 1883.]

Preamble. WHEREAS Thomas Clive Atkinson of the city of Toronto, in the county of York, has by his petition set forth that he has served the term necessary to entitle him to admission as a solicitor of the Supreme Court of Judicature for Ontario, and has passed all intermediate examinations required by the Law Society of Ontario, but the said service during a portion of the term was not done under proper articles of clerkship, whereby he cannot furnish satisfactory proofs of service under articles so as to admit him under the rules of the said society, and has prayed for an Act authorizing the said Supreme Court of Judicature to admit him to practise as a solicitor at any time upon payment of the usual fees, and passing the usual examination prescribed by the rules of the said society: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Supreme Court of Judicature may admit T. C. Atkinson as a solicitor.

1. It shall be lawful for "The Supreme Court of Judicature for Ontario," at any time to admit the said Thomas Clive Atkinson to practise as a Solicitor therein upon payment of the usual fees, and passing the usual final examination for admission prescribed by the rules of the Law Society, without his complying with any other requirements or provisions of law, or any other rules or regulations of the said society, any law, usage or custom to the contrary notwithstanding.

CHAPTER 72.

An Act to authorize the Supreme Court of Judicature for Ontario to admit George William Ross to practise as a Solicitor.

[*Assented to 1st February*, 1883.]

Preamble. WHEREAS George William Ross, of the town of Strathroy, in the county of Middlesex, hath, by his petition, set forth that he is about to take and have conferred upon him the degree of Bachelor of Law, and that on the first day of August, one thousand

thousand eight hundred and seventy-nine, he was duly articled to a practising attorney and solicitor for a period of five years, which articles were filed with the proper officer on the twenty-first day of August, one thousand eight hundred and seventy-nine, and was, previous to the said first day of August, admitted into the Law Society of Upper Canada as a student of law; and that he has been during the last ten years and still is a member of the House of Commons for the Dominion of Canada, and was previously thereto for the period of ten years teacher of public schools and an inspector of public schools for the period of ten years and held a first-class A Normal School certificate and was an inspector of Model Schools for the period of four years; and has actually served under said articles continuously from the aforesaid date thereof except for the periods he was required to attend in the said Parliament as member thereof, and to fulfil the duties of school inspector; and, whereas by section five of chapter one hundred and forty of the Revised Statutes of Ontario, the said George William Ross is required during the whole of the said term of five years to be actually employed in the proper practice or business of a solicitor; and whereas the said George William Ross has passed all the intermediate examinations prescribed by the said Law Society and is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said Court to admit him to practise as a solicitor therein upon his passing such final examinations as may be prescribed by the said society; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

G. W. Ross may be admitted as a solicitor on certain conditions.

1. In case of the said George William Ross obtaining a degree as mentioned in the second section of the Act respecting Attorneys-at-law, it shall and may be lawful for the Supreme Court of Judicature for Ontario at any time thereafter to admit the said George William Ross to practise as a solicitor of the said Court upon his paying the proper fees in that behalf and passing the final examination for admission prescribed by the rules of the Law Society of Upper Canada without his compliance with any other requirement or provision of law or other rules and regulations of the said Law Society in that behalf, any law, custom, or usage to the contrary notwithstanding.

A TABLE

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